

From: Erin Boone <Erin.Boone@fcc.gov>

To: Greg Watson <Gregory.Watson@fcc.gov>

Subject: FW: [EXTERNAL]: Confidential: Comcast Response to FCC Inquiry

Date: Wed, 2 Apr 2025 15:13:59 +0000

Importance: Normal

Attachments: CONFIDENTIAL_Comcast_Response_to_DEI_Letter_3.7.25.pdf;
CONFIDENTIAL_Comcast_Confidentiality_Request_(DEI_Letter_Response)_3.7.25.pdf;
REDACTED_Comcast_Response_to_DEI_Letter_3.7.25.pdf;
Summary_of_Comcast_March_7_2025_Response..docx

Inline-Images: image001.png

Hi Greg,
Attached is the Comcast response and a summary EB did. I am speaking to Tom Reid today for an update on the timing of the second response they promised.

Erin Boone
Senior Counsel Media & Enforcement
Office of FCC Chairman Brendan Carr
Acting Chief, Media Bureau
202-418-0736 | erin.boone@fcc.gov

From: Buono, Frank <Frank_Buono@comcast.com>
Sent: Friday, March 7, 2025 6:07 PM
To: Erin Boone <Erin.Boone@fcc.gov>
Cc: Reid, Tom <Tom_Reid@comcast.com>
Subject: [EXTERNAL]: Confidential: Comcast Response to FCC Inquiry

You don't often get email from frank_buono@comcast.com. [Learn why this is important](#)

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Erin

Attached are (1) the confidential, unredacted version of Comcast's response letter to the Commission's DEI inquiry, (2) a request for confidential treatment of this response letter under FOIA and the FCC's rules, and (3) the public version of the response letter with all the confidential text removed and replaced with blank space that could be used should there be a FOIA request for this response.

Please let us know if you have any questions.

Thank you.

Frank

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FCC FOIA No. 2025-000888

001721





Thomas J. Reid
Chief Legal Officer &
Secretary

Via Electronic Mail

March 7, 2025

The Honorable Brendan Carr
Chairman, Federal Communications Commission
45 L Street NE
Washington, D.C., 20554

Re: Comcast and NBCUniversal’s Response to the Commission’s February 11, 2025 Letter

Dear Chairman Carr:

On behalf of Comcast Corporation (“Comcast”) and NBCUniversal (“NBCU”) (together, “we” or the “Companies”), I write in response to your letter dated February 11, 2025 (“Letter”). In your Letter, you expressed concern that Comcast and NBCU may be “promoting invidious forms of discrimination in violation of FCC regulations and civil rights laws.” Letter at 1. You also requested an accounting of Comcast and NBCU’s “DEI initiatives, preferences, mandates, policies, programs, and activities.” *Id.* at 3. We intend to cooperate fully with the Commission’s inquiry.

At the outset, I want to underscore that Comcast and NBCU have always complied with the civil rights laws and FCC regulations. Comcast and NBCU employ more than 125,000 talented and dedicated employees in the U.S. Our goal is to have the best talent for any given role. To achieve that goal, we hire and promote based on merit. Our employees are our greatest asset, and their success cannot be separated from our own. Comcast and NBCU therefore strive to provide a workplace where differences are respected, all employees feel valued, and everyone has an equal opportunity to succeed. That is what we mean when we talk about “inclusion.”

In keeping with our longstanding commitment to adhere to the civil rights laws, we [[

]]. As discussed with the Commission, in this letter we are providing the following: [[

]]—all of which reflect our deep commitment to ensuring that discrimination has no place at Comcast and NBCU.

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Hon. Brendan Carr
March 7, 2025
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As discussed, and as the Commission confirmed, the Commission will treat this response confidentially. Consistent with the Commission’s rules and precedent regarding the “legitimate interests in keeping the investigative phase of a proceeding non-public,”¹ information in this letter for which Comcast is seeking confidential treatment is denoted with the symbols [[]], and I have separately attached the specific confidentiality request and justification for this confidential treatment.

I. Changes at Comcast and NBCU Since 2023

Like many other companies, [[

]].

- [[]]. Comcast and NBCU have not used, and do not use, quotas based on protected characteristics for hiring, promoting, or evaluating employees. [[

]].

- [[]]. [[

]]. If the supplier chooses, it may also provide ownership information, but when it comes to making actual vendor selections no suppliers are excluded or selected based on protected characteristics, and we “make decisions based on the qualifications of potential providers in a non-discriminatory manner.”²

- [[

¹ *Amendment of Certain of the Commission’s Part 1 Rules of Practice and Procedure and Part 0 Rules of Commission Organization*, Report and Order, 26 FCC Rcd. 1594 ¶ 7 (2011).

² Comcast, *Supplier Diversity*, <https://corporate.comcast.com/impact/diversity-equity-inclusion/supplier-diversity>.

[[

]].

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]].

- [[]]. Comcast and NBCU rely on numerous programs and platforms—both external and internal—to source potential employees, including internships, fellowships, apprenticeships, and other talent acquisition programs. We select candidates for such programs pursuant to a competitive, merit-based selection process. [[

]].

- [[]]. Developing talent is a top priority for our business. [[

]].

- [[

]].

We expect the significant changes the Companies have made since 2023 will address many of the concerns raised in the Commission’s Letter, and that they provide assurances that Comcast and NBCU are not engaging in any discrimination in violation of FCC regulations or the civil rights laws.³

II. The Path Forward

We are constantly evolving our businesses to meet the changes we see in the world, whether those be changing customer demands, new technologies, emerging markets, or regulatory and legal developments. Comcast and NBCU have been American success stories because we are willing to innovate, adapt, and make improvements to how we operate. Maintaining a fair and inclusive workplace amidst the shifting legal landscape likewise requires us to further evolve.

To that end, [[

]]. We appreciate that the Commission’s interest in anti-discrimination is broad and evolving. Recognizing as much, [[

³ [[

]].

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Hon. Brendan Carr
March 7, 2025
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]]. These include:

- [[]]. Comcast and NBCU collect information on employee demographics through voluntary requests for self-identification in order to satisfy our legal requirements to collect and share such data under various state laws as well as certain federal rules, including the Commission’s equal employment opportunity rules. [[

]].

- [[]]. Comcast and NBCU want to hire the best talent. [[

]].

- [[]].

[[

]].

We hope that the changes detailed above that Comcast and NBCU have already made—[[]]
]—have provided the Commission with the assurances it needs to conclude that the Companies are not promoting discrimination in violation of FCC regulations or the civil rights laws. We stand ready to discuss this matter further at your convenience in an effort to bring this inquiry to a resolution.

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Hon. Brendan Carr
March 7, 2025
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Sincerely,

A handwritten signature in black ink, appearing to read 'TJR', written in a cursive style.

Thomas J. Reid
Chief Legal Officer & Secretary
Comcast Corporation

Cc: Erin Boone, Senior Counsel to Chairman Brendan Carr

From: Erin Boone <Erin.Boone@fcc.gov>

To: Scott Delacourt <Scott.Delacourt@fcc.gov>

Subject: FW: [EXTERNAL]: Future of Television Report

Date: Mon, 3 Mar 2025 17:42:10 +0000

Importance: Normal

Attachments: 01-17-2025_-Future_of_Television_Initiative_Report.pdf; FOTVI_Report_Letter.pdf

Here you go!

Erin Boone
Senior Counsel Media & Enforcement
Office of FCC Chairman Brendan Carr
Acting Chief, Media Bureau
202-418-0736 | erin.boone@fcc.gov

From: Greg Watson <Gregory.Watson@fcc.gov>
Sent: Sunday, January 19, 2025 7:42 PM
To: Erin Boone <Erin.Boone@fcc.gov>; Benjamin Arden <Benjamin.Arden@fcc.gov>
Subject: FW: [EXTERNAL]: Future of Television Report

Simply fyi

From: Martin, Alison <amartin@nab.org>
Sent: Friday, January 17, 2025 3:23 PM
To: Greg Watson <Gregory.Watson@fcc.gov>; Arpan Sura <Arpan.Sura@fcc.gov>
Cc: Gomes, Emily <egomes@nab.org>
Subject: [EXTERNAL]: Future of Television Report

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Greg and Arpan,

We are pleased to share with you the Future of Television Initiative Report, which we have just filed in ECFS. We look forward to making some major progress on 3.0 in 2025.

If you have any questions, please feel free to reach out.

Thanks,
Alison and Emily

--

Alison Greenwald Martin
Vice President of Innovation and Strategy
Legal and Regulatory Affairs

National Association of Broadcasters
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Washington, DC 20003

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**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

The Future of Television Initiative Report

January 17, 2025

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Introduction

I. Overview

In April 2023, Federal Communications Commission Chairwoman Jessica Rosenworcel announced the formation of the Future of Television Initiative, a public-private initiative led by the National Association of Broadcasters (NAB) to guide the next steps of the transition to ATSC 3.0. The Future of Television Initiative gathered industry, government*, and public interest stakeholders to work on a roadmap for the transition to ATSC 3.0.¹ In announcing this Initiative, Chairwoman Rosenworcel noted that “a successful transition will provide for an orderly shift from ATSC 1.0 to ATSC 3.0 and will allow broadcasters to innovate while protecting consumers, especially those most vulnerable.”

Three working groups were established to address different facets of the transition:

- Working Group 1 (Backwards Compatibility, Tuner Availability and Consumer Issues): Determine the range of possible solutions, including technical solutions, for the lack of backwards compatibility and ways to fund those possible solutions and mitigate consumer impacts.
 - Participants: TelevisaUnivision, Public Knowledge, Advanced Television Systems Committee, Inc. (ATSC), Consumer Technology Association (CTA), LG, Vizio, SiliconDust, Scripps, NuVyyo (Tablo), Weigel Broadcasting Co., Block Communications, Fox, America’s Public Television Stations (APTS), PBS, Pearl TV (Pearl), NCTA – The Internet and Television Association (NCTA), Disney, NAB, Federal Communications Commission (FCC)
- Working Group 2 (Completing the Transition): Establish conditions for completing the transition and resolving the hurdles remaining to reach that point.
 - Participants: CTA, ONE Media, Low Power TV Broadcasters Association, NCTA, ACA Connects – America’s Communications Association (ACA), DISH, Paramount, Nexstar, Capitol Broadcasting Company, PBS, APTS, Harmonic, Consumer Reports, Best Buy, Pearl, PBS North Carolina, Sony, Samsung, NAB, FCC
- Working Group 3 (Post-Transition Regulation): Consider the rules that should govern ATSC 3.0 after the transition.
 - Participants: CTA, NCTA, ACA, DirecTV, APTS, PBS, Advanced Television Broadcasting Alliance (ATBA), Public Knowledge, Gray, Hearst, NBCUniversal, Pearl, American Council of the Blind, Gallaudet, MMTc, NAB, FCC

¹ The Future of Television Initiative is not governed by the Federal Advisory Committee Act (FACA).

II. Process

The Future of Television Initiative was formally announced in April 2023 at the 2023 NAB Show. NAB moderated monthly working group meetings from June 2023 through July 2024. During the meetings, participants were encouraged to identify issues they believe need to be addressed to ensure a smooth transition to ATSC 3.0. Working Group participants shared their viewpoints on such issues and worked to reach agreement or narrow the scope of disagreement where possible.² Through this process, participants were able to better understand the goals and concerns of other stakeholders and refine their views taking into account this improved understanding.

This Report summarizes the discussions of each Working Group and the viewpoints held by participants on the issues the Working Groups addressed.³ NAB led the drafting process and Working Group participants were able to provide comments to ensure that the views on relevant issues that they presented during Working Group discussions were properly represented before the Report was finalized. Unless so stated, statements in the Report should not be attributed to any specific Working Group participant(s). It is anticipated that this Report will provide the Commission with a better understanding of the remaining issues and concerns of stakeholders and put the Commission in a better position to continue with the rulemaking proceedings necessary to complete a successful transition to ATSC 3.0. It should also aid and focus the efforts of industry stakeholders as they work together to deploy ATSC 3.0.⁴ The Working Groups also worked to reach consensus on potential recommendations for next steps that should be taken by industry and/or the FCC to move the transition forward. To the extent consensus was reached on a specific recommendation, these recommendations are included in each Working Group's section of the Report.

**Federal Communications Commission staff participated in the Working Groups but did not contribute to the preparation of this report.*

² References throughout this report to “participants” or “Working Group participants” do not include FCC staff.

³ The Report may not reflect all views held by participants regarding ATSC 3.0. It is intended to capture participants' views on the specific issues discussed by the Working Groups.

⁴ ATSC 3.0 deployment is ongoing. Information provided in the Report regarding the status of the consumer device market and ATSC 3.0 deployment is current as of December 31, 2024.

Working Group 1 – Backwards Compatibility

I. Purpose and Scope

Working Group 1 was established to determine the range of possible solutions, including technical solutions, for the lack of backwards compatibility between the ATSC 3.0 and ATSC 1.0 standards. It also examined ways to fund possible solutions and to mitigate negative impacts to current viewers of over-the-air television.

The scope of this Working Group was limited to solutions to ensure viewers do not lose access to ATSC 1.0-equivalent television service during or following the transition. Issues pertaining to any potential regulation of ATSC 3.0 were addressed by Working Group 3.

II. Issues

Over the course of several meetings, the following issues were discussed:

- Solutions to address backwards compatibility (e.g., tuner availability, converter devices) and the challenges to these solutions
- Methods to ensure widespread access to backwards compatibility solutions while protecting consumers
- Minimizing negative consumer impact: loss of traditional television service, inconvenience, costs
- Availability and pricing⁵ of consumer equipment (televisions, handsets, etc.), and
- Consumer education responsibilities and plans.

III. Summary

Nearly all Working Group participants identified consumer adoption of ATSC 3.0 television sets and converter devices as the most viable long-term solutions to address the lack of backwards compatibility between ATSC 3.0 and ATSC 1.0 consumer equipment. As discussed in further detail below, participants discussed concerns regarding the availability and affordability of converter devices with basic functionality. Participants also discussed certain features and functionalities of different converter devices, including the ability to function without need for an internet connection and to decrypt protected content. All participants recognized the importance of minimizing the costs to consumers when developing proposed solutions. All but one broadcast participant also agreed that there are costs to standing still. They explained that content providers seek out platforms that can deliver the highest quality experience; if broadcasters cannot offer a similar quality as other platforms, broadcasters may have difficulty obtaining the quality programming viewers enjoy today. The Working Group heard from participants about the progress being made as the rollout of ATSC 3.0 continues and consumer awareness of its benefits grows, and the Working Group recommends that both

⁵ The Working Group was informed of the nature and importance of the United States antitrust laws and the need to strictly adhere to such laws at all times. Accordingly, Working Group participants did not share or discuss competitively sensitive information.

industry and the FCC explore voluntary market-based solutions and other mechanisms to further minimize or eliminate the costs to consumers of ATSC 3.0 converter devices.

IV. Backwards Compatibility Solutions

The Working Group identified and evaluated four potential solutions to address the lack of backwards compatibility and ensure that consumers retain access to traditional television service post-transition: (i) changes to the ATSC 3.0 technical standard; (ii) ATSC 3.0 television sets; (iii) ATSC 3.0 converter devices; and (iv) nightlight service.

A. Changes to the ATSC 3.0 Technical Standard

The Working Group evaluated the feasibility of modifying the ATSC 3.0 standard to be backwards compatible with ATSC 1.0 equipment. ATSC, consumer equipment manufacturers, and nearly all broadcast participants agreed that changing the standard would undermine many of the significant potential consumer benefits that ATSC 3.0 offers, due to fundamental differences between the two technologies.

ATSC 3.0 is designed to meet modern television consumers' demands for advanced features including 4K resolution, High Dynamic Range (HDR), immersive audio, on-demand viewing across fixed and mobile devices, and increased content options. Many streaming platforms already offer these capabilities. For broadcasters to remain competitive and to continue to offer high-quality, free, over-the-air television, they must also be able to deliver these features. A few participants noted that some of these advanced features could be achieved using ATSC 1.0 and do not require ATSC 3.0.

ATSC participants stated that ATSC 3.0 can support all of these advanced features due to a key advancement in its physical layer design.⁶ ATSC participants explained that in contrast to ATSC 1.0's single-carrier design, ATSC 3.0 uses a multi-carrier physical layer design that offers several advantages.⁷ The multi-carrier approach offers the potential for ATSC 3.0 to be more resilient to interference, improving reception for viewers. ATSC 3.0 also has the potential to come close to the Shannon Limit, the maximum data capacity of spectrum relative to the robustness of the signal.⁸ It allows broadcasters to deliver a variety of services simultaneously within the same channel. As broadcast technology continues to develop, ATSC 3.0 can deliver both existing and new services in the same channel at the same time.⁹

ATSC participants explained that to be compatible with ATSC 1.0 receivers, ATSC 3.0 would need to revert to a single-carrier design.¹⁰ This would come at the significant cost of limiting the advanced services and improved viewing experiences that ATSC 3.0 aims to offer.¹¹ Moreover, a backwards compatible standard was tried and proved to be unsuccessful. Several

⁶ ATSC Presentation to Working Group 1, at 4, 6 (Aug. 14, 2023) (Attachment A).

⁷ *Id.*

⁸ *Id.* at 4-6.

⁹ *Id.* at 6.

¹⁰ *Id.* at 7.

¹¹ *Id.*

years ago, the FCC, ATSC, and the U.S. State Department promoted a suite of enhancements known as ATSC 2.0 that could deliver some advanced features while still working with existing sets. Ultimately, that effort failed because it lacked sufficient capacity to deliver many of the key potential consumer benefits that ATSC 3.0 offers and could not accommodate future upgrades.¹² Due to the tension between the inherent limits of ATSC 1.0 and similar first-generation television systems and modern viewers' demands, other markets including Brazil, Europe, Japan, and Korea have also selected standards that incorporate second generation television capabilities but are not backwards compatible.¹³

B. ATSC 3.0 Television Sets

NEXTGEN TV-certified television sets offer a streamlined way for consumers to continue to receive television service as broadcasters transition to ATSC 3.0. The Consumer Technology Association (CTA) established the NEXTGEN TV certification program to help consumers easily identify televisions and devices that are compatible with the ATSC 3.0 broadcast standard.¹⁴ Televisions that are certified under this program bear the NEXTGEN TV logo, indicating that they have been verified to receive, decode, and display ATSC 3.0 signals accurately.¹⁵ NEXTGEN TV sets support ATSC 1.0 signals, as well as the core features of the ATSC 3.0 standard, and are also designed to accommodate future advancements and updates in broadcasting technology.

Over 100 NEXTGEN TV models are available from several major television manufacturers, including Samsung, Sony, TCL, and Hisense.¹⁶ The ATSC 3.0 television market is still in its early stages, and equipment manufacturers and nearly all broadcast participants expressed optimism about its growth as broadcasters and consumers increasingly embrace the new standard. Overall sales of NEXTGEN TV sets surpassed 10 million units in December 2023, and an estimated 15,000 new NEXTGEN TV sets are sold each day. According to CTA, 4.5 million, or 10% of all TV sets shipped to U.S. retailers in 2024 were ATSC 3.0 compatible. As shown below, CTA projects that number to grow to 21 million units shipped in 2026 and reach 28 million in 2027.

¹² *Id.* at 3.

¹³ *Id.*

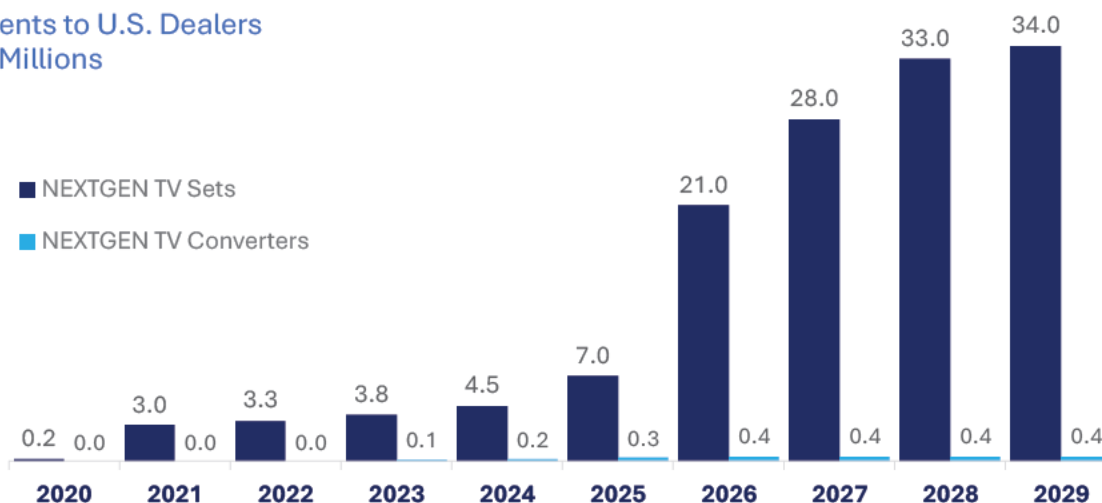
¹⁴ CTA, *NEXTGEN TV is the Future of TV*, <https://www.cta.tech/Membership/Member-Groups/Video-Division/NEXTGEN-TV>.

¹⁵ *Id.*

¹⁶ <https://www.watchnextgentv.com/>

NEXTGEN TV Sets & Converters

Shipments to U.S. Dealers
Units, Millions



Source: CTA U.S. Consumer Technology Industry Forecasts, July 2024



Figure 1: CTA Forecasts, July 2024

The Working Group identified lack of consumer awareness of the benefits of ATSC 3.0, lack of availability of unique content and services for prospective buyers of NEXTGEN TVs, and the implementation of ATSC 3.0 in higher cost television models as the primary impediments to the more widespread adoption of ATSC 3.0 television sets. However, many Working Group participants agreed that as broadcasters and manufacturers continue to unveil ATSC 3.0’s new advanced features, increased consumer awareness and the incorporation of ATSC 3.0 in lower-cost models likely will increase adoption and lead to lower prices over time.

C. ATSC 3.0 Converter Devices

ATSC 3.0 converter devices are designed to receive and decode ATSC 3.0 signals for display on ATSC 1.0 television sets. Some participants noted that because these devices cost much less than an ATSC 3.0 television set, they can bridge the gap for consumers that are unwilling or unable to purchase a new television. Converter devices from several manufacturers including ADTH, Zinwell, and Zapperbox are commercially available and range in price from \$90-\$250.¹⁷

The converter device market is still in its nascency, with certified devices first becoming available in 2023. While current sales are small, CTA projects a 50% increase in 2025, before

¹⁷ <https://www.walmart.com/ip/ADTH-NextGen-TV-Box-Watch-Free-OTA-ATSC-3-0-1-0-in-4K-UHD-resolution/5297873740>; <https://www.channelmaster.com/products/nextgen-tv-receivers-zinwell-nextgen-tv-box>; <https://zapperbox.com/products/zapperbox-m1?srsltid=AfmBOop90RLZDPCceaV6SsJDi8EBuOA0ho2eVAdj-nTymJgOfhOcgPZP>

leveling off to around 400,000 units per year in 2026. Equipment manufacturers and most broadcasters agree that as more consumers and broadcasters transition to ATSC 3.0, the market will grow, increasing the number of options and overall affordability for consumers.

Participants discussed several functionalities of converter devices that are available at different price points, including, (i) security features; (ii) functionality absent an internet connection; (iii) DVR functionality; and (iv) analog compatibility.

1. Security Features

The ATSC 3.0 standard, like other IP-based transmission standards, supports new security features designed to protect the integrity of broadcast signals and assure consumers receive verified and secure content. Many broadcasters have started using these features, and it is important that converter devices can support secure channels once all broadcasters are securing channels with signal signing. Much like websites, ATSC 3.0 uses cryptographic technology to ensure that all broadcast signals sent to a viewer's device are signed and certified as authentic.¹⁸ This can prevent signal hijacking and the proliferation of malware on consumers' receivers.¹⁹

This cryptographic technology also enables broadcasters to employ Digital Rights Management (DRM) to protect content against theft or piracy.²⁰ Most broadcasters in the group stressed that piracy of broadcast content is a significant business concern and makes broadcasting a less desirable distribution platform, especially for high value programming. Many other content distribution platforms, including most ad-supported services, offer content protection. Nearly all broadcast participants agreed that for broadcasters to be able to obtain high value programming, including HDR content, they must be able to provide similar protection, or programming providers will take that content to other platforms. Enabling broadcasters' use of DRM helps ensure that viewers of free, over-the-air television maintain access to high quality content.

The ATSC 3.0 Security Authority (A3SA) enables the security features of the ATSC 3.0 standard to protect broadcast signals and content.²¹ It also administers licensing agreements for ATSC 3.0 security technologies to ensure that manufacturers of ATSC 3.0 receivers and transmitters comply with the standards. Licensed receivers can easily display protected content in a manner that is transparent to the user. A3SA also coordinates with the CTA NEXTGEN TV logo program so that manufacturers who use the logo are aware that broadcast content may be encrypted. CTA logo applicants are required to certify that they have contacted A3SA to ensure that their devices will be able receive and display content that has been transmitted pursuant to A3SA's protocols.²²

¹⁸ A3SA Presentation to WG 1, at 2-3 (Aug. 21, 2023) (Attachment B).

¹⁹ *Id.* at 3.

²⁰ *Id.*

²¹ *Id.* at 4.

²² *Id.* at 6.

Although some converter devices that were released early in the transition do not have the required licenses to support DRM, now there are devices available from multiple manufacturers, including ADTH, Zinwell, and Zapperbox that support DRM, and many additional devices are in development.²³

Some participants expressed concern that A3SA licenses are available only for a period of 10 or 30 years. Public interest participants voiced concerns that the 10-30 year license term could lead to increased costs for consumers and that the need for certification could result in a reduced number of devices. In their view, devices that incorporate DRM support may be more expensive due to licensing fees, certification costs, and the need for specialized hardware. Public interest participants also expressed that the need for periodic DRM updates could create ongoing costs and maintenance issues, potentially rendering older devices obsolete. Industry representatives indicated that the license terms are commonplace in the industry and sufficiently long. Other participants noted that the duration of license terms likely will be a marketing consideration as devices with varying functionalities and price points will be marketed to different types of consumers.

2. DRM Support for Unconnected Devices

The Working Group evaluated whether converter devices can support DRM without need for an internet connection and determined that not all converter devices require an internet connection to support content protection. Converter devices require a security key to decrypt protected content. These keys can either be stored or persistent. Stored keys are located on the device such that, once the device is set up, it does not require an internet connection to decrypt content.²⁴ Unlike stored keys, persistent keys are not kept permanently on the device and instead are retrieved periodically from a secure server. This method requires the device to have an internet connection to continue accessing the encrypted content.²⁵ A3SA supports devices with both types of security keys.²⁶

Converter devices like the Zinwell NextGen TV Box are currently on the market and verified to operate securely without an internet connection.²⁷ ZapperBox is actively working on software updates for their converter devices to support content security without needing an internet connection, providing more options for consumers who cannot or prefer not to connect their devices to the internet.²⁸

²³ *Id.* at 5.

²⁴ *Id.* at 17.

²⁵ *Id.* at 16.

²⁶ *Id.* at 16-17.

²⁷ Zinwell NextGen TV Box, Channel Master (accessed Nov. 12, 2024), <https://www.channelmaster.com/products/nextgen-tv-receivers-zinwell-nextgen-tv-box> (list of features states that it decodes encrypted content with or without an internet connection).

²⁸ Frequently Asked Questions, Zapperbox (accessed Nov. 12, 2024), <https://zapperbox.com/pages/faqs>.

3. DVR Support

Early in the Working Group's discussions, some participants raised concerns about the lack of converter device support of DVR functionality for DRM-protected content. Two developments occurred that may have resolved this issue. First, in August 2023, A3SA released broadcast encoding rules designed to ensure that DVR functionality will be preserved.²⁹ These rules guarantee that consumers can record and play back content without limitations on features like "trick play" (i.e., pause, rewind, or fast-forward), the length of time that recordings can be retained, or the use of analog outputs. Second, A3SA released specifications for DVRs and home gateway devices that were developed in consultation with manufacturers.³⁰ Devices are available on the market that support DVR functionality now, and other manufacturers are planning to incorporate this functionality in the future.³¹

4. Analog Compatibility

Some Working Group members expressed the need for converter devices that are compatible with analog outputs. Although HDMI has been standard since 2007, making it sufficient for most consumers, there may be a very small number of viewers with analog televisions that will require devices that do not rely on an HDMI connection. The Working Group confirmed that ADTH's converter device is analog-compatible.³² In addition, ATSC representatives noted that other markets that have adopted ATSC 3.0, such as Jamaica, require analog-compatible devices, and it is expected that more devices will become available to meet that demand.

D. Temporary Nightlight Service

The Working Group also discussed how a temporary "nightlight" service that continues to offer primary ATSC 1.0 programming streams for a limited period following the transition might provide a bridge and minimize disruption for viewers as they adapt to the new standard. Some Working Group participants noted that the nightlight service would likely need to be provided at a reduced resolution (e.g. anamorphic SD or widescreen SD). The suggestion of a nightlight service that provides programming differs from the nightlight service provided during the digital television transition in 2009. In that case, broadcasters that were operating on "in-core" channels that were not immediately needed for DTV service

²⁹ Attachment B at 7. These encoding rules are not specific to converter devices and will also impact DVR functionality for viewers with NEXTGEN TV sets or who receive broadcast content through an MVPD. A3SA retains the right to alter its rules in the future. The current rules apply only to ATSC 3.0 broadcasts that are simulcasts of ATSC 1.0 broadcasts.

³⁰ Phil Kurz, *A3SA Releases Specification Aimed at Enabling ATSC 3.0 DVR Development*, tvtechnology.com (Feb. 26, 2024), <https://www.tvtechnology.com/news/a3sa-releases-specification-aimed-at-enabling-atsc-30-dvr-development>.

³¹ Home Page, Zapperbox (accessed Nov. 12, 2024), <https://zapperbox.com/>.

³² <https://support.adth.com/en/support/solutions/articles/43000712669-connecting-to-an-analog-tv-with-an-rca-cable>

were able to operate for an additional thirty days for the purpose of broadcasting public service announcements about the DTV transition and emergency information.³³

V. Minimizing Consumer Costs

The Working Group explored options to reduce or eliminate costs for consumers who rely exclusively on over-the-air television to ensure that they can continue to receive traditional television service. Public interest participants expressed their belief that viewers should not bear the costs of transitioning to ATSC 3.0, and that the FCC should ensure consumers are protected, possibly through the provision of free converter devices.

Broadcasters recognize the importance of ensuring that vulnerable consumers are able to continue to access free, over-the-air television service. Nearly all broadcast participants agreed that the industry has every incentive to ensure that no station loses a single viewer as a result of the transition. There is no business model where broadcasters benefit from eliminating viewers, especially since broadcasters have no direct financial relationship with consumers and thus cannot simply make up any customer (i.e., viewer) loss by increasing prices on those retained. These broadcast participants further explained that they support ATSC 3.0 to simply keep up with competing technologies and not because it presents windfall opportunities, and as such, the industry itself is not in a position to fully or nearly fully fund the cost of ATSC 3.0 converter devices.

While minimizing costs and negative consumer impact is a priority for all stakeholders, most broadcast participants emphasized that the Commission should view the notion that the ATSC 3.0 transition should come at zero cost to the consumer in historical context. The Working Group discussed previous technology transitions and broadcasters noted that wireless providers have upgraded their systems from 1G to 2G in the 1990s and then to 3G in the 2000s to 4G in the 2010s, and now to 5G without any mandate to subsidize the costs of consumers upgrading their equipment. Moreover, in the most analogous prior broadcast technology transition, the nation's transition to digital television in 2009, consumers who had not bought a digital TV had to purchase converter boxes to enable their analog televisions to receive digital signals. The federal government funded a coupon program to subsidize viewers' purchases of these devices. The coupon program was not designed to and often did not cover the full cost of a converter device. Most broadcast representatives noted that if the government is seeking to completely or nearly completely insulate consumers from any costs due to the transition, Congress should create a fund for consumers similar to the one it developed for the transition to digital television. Such a fund could also cover costs associated with helping small broadcast stations and small MVPDs transition to ATSC 3.0. However, these efforts would extend beyond what was required for nearly every other technology transition, including the commercial wireless industry moving from 3G to 4G and from 4G to 5G. In those instances, consumers were required to pay substantial sums to ensure their devices were compatible with the latest technologies and so that their existing devices did not become

³³ *Implementation of Short-term Analog Flash and Emergency Readiness Act; Establishment of DTV Transition "Analog Nightlight" Program*, Report and Order, 24 FCC Rcd 6966 (2009).

obsolete or at least could take advantage of new consumer benefits. Broadcasters also noted that these transitions happen more often than broadcast-standard transitions, as the transition to ATSC 3.0 is only the second transition of its kind since the advent of free, over-the-air television and is designed to be future-proof. Broadcasters also cautioned that there are costs to standing still. Content providers seek out platforms that can deliver the highest quality experience; if broadcasters cannot offer a similar quality as other platforms, broadcasters may have difficulty obtaining the quality programming viewers enjoy today.

Others in the Working Group noted some differences between the ATSC 3.0 transition and the technology transitions discussed above. For instance, MVPD participants stated that the digital broadcast transition was mandated by the government, whereas the ATSC 3.0 transition is voluntary. MVPD participants also noted that during the transitions from one digital wireless generation to the next, the wireless providers maintained the older technologies for a number of years after deploying new services, allowing consumers to decide when they might make the transition. Such participants explained that these additional years maintaining older technologies are especially notable as the life cycle of mobile handsets is much shorter than the life cycle of mobile standards. Most broadcast representatives and other participants emphasized, however, that this was done on an entirely voluntary basis and wireless providers were free to retire older digital technologies when it made sense for their business regardless of whether some number of consumers would be left behind. Such participants also noted that wireless carriers have the necessary spectrum capacity to operate multiple non-backward compatible systems simultaneously (3G, 4G and 5G, for example), whereas broadcasters operate within a single 6 MHz allocation. As such, the mobile operator transition scenario may not apply to television broadcast transitions in this respect.

The Working Group also evaluated market-based strategies to reduce the cost of ATSC 3.0 converter devices. Nearly all participants indicated that broadcasters' and retailers' efforts to educate and make consumers aware of the benefits of ATSC 3.0 could help increase demand for these devices, enabling manufacturers to achieve higher production volumes and drive down costs through economies of scale. The Working Group also discussed the desirability of a robust market of low-cost devices with simplified features that would be more affordable for consumers. Specifically, the group discussed the desirability of a minimal cost "lifeline" device that contains only those core functionalities necessary to receive and decode both ATSC 1.0 and ATSC 3.0 signals.

The Working Group also discussed whether setting a date for the voluntary transition to ATSC 3.0 might affect consumer costs. Most broadcasters, ATSC participants, and some equipment manufacturers concurred that establishing a firm date for broadcasters to voluntarily cease simulcasting in ATSC 1.0 and begin transmitting in ATSC 3.0 exclusively could provide certainty to manufacturers, retailers, and consumers and stimulate both supply and demand in the market, leading to lower prices. Some equipment manufacturers noted that such deadlines, however, must provide a mechanism to ensure that desirable new content and services delivered via ATSC 3.0 already have stimulated consumers' interest in ATSC 3.0 and their purchase of ATSC 3.0 receivers sufficiently to allow a responsible voluntary ATSC 1.0 shutoff. Such equipment manufacturers further noted their view that conditions to enable this

shut-off must be driven by consumer demand and adoption, not by government mandates. MVPD participants stated that, in their view, it is premature to establish either a voluntary or mandatory ATSC 1.0 sunset date and that the Commission has stated that it will initiate a proceeding to consider the sunset of certain ATSC 1.0 requirements in 2026.

In addition to the cost of equipment itself, the Working Group discussed other costs that consumers may incur in connection with the installation of converter devices. During the digital television transition, Congress appropriated funds to the FCC to educate consumers and assist them in installing and configuring their converter boxes. Most participants in the Working Group agreed that installation and configuration costs will be lower for this transition for two reasons. First, installing converter devices will require fewer steps because consumers do not need to replace existing antennas. Second, unlike in 2009, most consumers have experience plugging HDMI devices into their televisions and over-the-air viewers are familiar with the process of scanning for channels. One participant noted that the costs could be higher for this transition because, in their view, some converter devices may be more difficult for some consumers to set up and there are more over-the-air viewers now than there were during the digital television transition. Most broadcaster participants explained that broadcasters historically have provided support to consumers that need help to view their signals at no cost and have every incentive to do so here.³⁴

VI. Consensus Recommendations

Most Working Group participants agree that the market for lower cost converter devices is growing and will enable viewers to receive ATSC 3.0 signals on existing ATSC 1.0 television sets. Working Group participants also recognize, however, that the cost of ATSC 3.0 converter devices may make it difficult for vulnerable viewers to transition to ATSC 3.0. The Working Group therefore recommends that industry and the FCC continue to explore strategies and sources of funding³⁵ that could help eliminate or at the very least lower the costs of devices to consumers.

³⁴ Other costs, including consumer internet costs and costs associated with potential future subscription services or other variable costs were raised but determined to be out of scope by nearly all Working Group participants when it comes to addressing the lack of backwards compatibility with the ATSC 1.0 standard. While an internet connection may be necessary to obtain some of the advanced features that ATSC 3.0 offers, it is not necessary to receive ATSC 1.0-equivalent service. Similarly, other variable costs that consumers may incur to receive services that go beyond a free, over-the-air video stream would also be outside the scope of minimizing the costs of backwards compatible solutions.

³⁵ The Consumer Technology Association's (CTA) policy is not to seek government funding. MVPD participants took no position on government funding.

Working Group 2 – Conditions for Completing Transition

VII. Purpose and Scope

Working Group 2 was assembled to establish conditions for completing the transition to NEXTGEN TV broadcasting and resolve hurdles remaining to reach that point.

VIII. Issues

The issues identified at the outset of the Working Group 2 process included:

- Minimizing negative consumer impact
- Availability and pricing of consumer equipment
- Consumer education responsibilities and plans
 - Simulcasting: under what conditions it may end and whether it would continue to be permissible
- Managing ATSC 1.0 and ATSC 3.0 capacity as more stations transition, and
- Tuner and labeling standards.

While there was some overlap between Working Group 1 and Working Group 2, particularly for the first two issues outlined above, this Working Group focused primarily on voluntary market-driven consumer adoption of NEXTGEN TV, while Working Group 1 focused on the needs of consumers who do not choose to adopt NEXTGEN TV-compatible equipment prior to a transition date.

IX. Summary

As of mid-2024, broadcasters have launched at least one NEXTGEN TV service in 75 markets, reaching slightly over 75% of the U.S. population. However, broadcast participants stated that due to market conditions as well as the simulcasting requirement, most television capacity remains dedicated to ATSC 1.0 transmission. This Working Group discussed several factors that impact the readiness of consumers, manufacturers, and broadcasters to complete the transition.

The Working Group explored factors that impact the availability and pricing of consumer equipment that can receive NEXTGEN TV signals, how consumers are educated about the availability and capabilities of such equipment, and what motivates consumers to obtain such equipment. These discussions highlighted the need for broadcasters to continue to offer compelling new services in ATSC 3.0, such as 4K video, HDR video, enhanced audio, and interactive applications, to motivate consumers to seek out new receivers.

The Working Group also explored options for managing ATSC 1.0 and ATSC 3.0 capacity during the transition to expand capacity for NEXTGEN TV without reducing ATSC 1.0 programming. Each option explored presented some trade-offs but may be a valuable option to increase the services available to consumers.

Finally, the Working Group discussed whether establishing a date for the sunset of the simulcasting requirement could help align the various industries and improve consumer readiness.

A. Minimizing Negative Consumer Impact

A joint goal of all parties is to ensure that consumers can continue to receive broadcast signals, by one or more of a NEXTGEN TV-capable television set, a converter device such as a dongle or set-top box, or MVPD carriage of NEXTGEN TV signals. This Working Group considered the drivers of each of these approaches without any government mandates.

With respect to consumer adoption, factors discussed included:

- What drives consumer demand for new features?
- What motivates manufacturers to include features in television models?
- How do retail outlets choose what to order, sell, and promote?

These three questions are all closely interrelated. Retailers respond to consumer demand; manufacturers respond to retailer demand; and consumers respond to features and capabilities that they can see.

Service improvements drive consumer interest. When broadcasters can offer a noticeably superior product with Next Gen Television, consumers will demand it from retailers and manufacturers. Although some of the benefits of NEXTGEN TV, including the ability to deliver 4K video over-the-air are not widely achievable given the bandwidth constraints during the transition, there are things that broadcasters can do and are beginning to do that leverage NEXTGEN TV features in a way that may drive consumer interest.

For example, broadcasters are beginning to offer video in 1080p and high-dynamic range (HDR). This offers a visibly enhanced picture quality. During the course of the Future of Television Initiative, several sporting events were produced in native HDR formats and that trend is expected to continue. Manufacturers noted that audio quality generally does not tend to be a big driver of consumer adoption of television sets, however audio features like the ability to choose between hometown versus visiting sports announcers could stimulate consumer interest. Broadcasters emphasized, however, that NEXTGEN TV's AC-4 audio provides significant consumer-facing benefits including consistent loudness, dialogue enhancement, and immersive audio features that their research shows is desired by viewers.

Broadcasters can also drive consumer interest through interactive features unique to NEXTGEN TV. Many broadcasters are offering interactive apps to provide easy access to recent news stories, weather, or other hyper-local content. For example, Pearl has created the Run3TV platform to help broadcasters develop interactive applications to enhance the viewing experience that are delivered seamlessly in the live broadcast and across all devices. Earlier this year, NBCUniversal launched an interactive app on its NBC and Telemundo-owned stations across the country that enhances the viewing experience by incorporating local news, hyper-local weather, traffic updates, and other community-specific content into network

programming such as The Today Show. These apps also allow viewers to restart a program from the beginning if they tune in after it starts.

Other service improvements discussed included potentially superior indoor reception compared to ATSC 1.0 as well as enhanced mobile reception.

Deadlines focus efforts but do not directly drive consumer adoption. Manufacturers maintain that consumers *do not* respond to deadlines as a primary motivator. Nevertheless, manufacturers agree that having a deadline or target date is helpful in both product planning and communication to the public. Consumer electronics participants and low power broadcast participants noted that such deadlines must provide a mechanism to ensure that desirable new content and services delivered via ATSC 3.0 have already stimulated consumers' interest in ATSC 3.0 and their purchase of ATSC receivers sufficiently to allow a responsible ATSC 1.0 shutoff. Those participants added that the conditions to enable this shut-off must be driven by consumer demand and adoption, not by government mandates. MVPD participants expressed their belief that it is premature to establish either a voluntary or mandatory ATSC 1.0 sunset date, and noted that the Commission has stated that it will initiate a proceeding to consider the sunset of certain ATSC 1.0 requirements in 2026.

B. Availability and Pricing of Consumer Equipment

Over the course of the Future of Television Initiative, the Consumer Technology Association provided several updates on device sales and projections, both of NEXTGEN TV-capable televisions and accessory devices.

Before the launch of the Future of Television initiative, there were no NEXTGEN TV-certified converter devices available at retail (one non-certified gateway device was available). Since then, several products have been launched, including devices from ADTH and Zinwell. An A3SA-certified DVR from Zapperbox was also launched.

As of September 2024, Hisense, Samsung, Sony, and TCL are offering more than 100 NEXTGEN TV models. LG, which had previously made NEXTGEN TV models, suspended introduction of new NEXTGEN TV models in 2024 because of a patent infringement lawsuit while its appeal is pending.

CTA presented data and forecasts regarding NEXTGEN TV sales to the Working Group on several occasions. CTA estimates that 10% of total TV shipments in 2024 will have NEXTGEN TV tuners. Their forecast indicates that in 2026, 21 million NEXTGEN TV sets will ship, in addition to about 400,000 converter devices. This is compared to about 41 million annual television sales. These projections are based on current market conditions and do not consider the possibility of a transition deadline or target date being established.

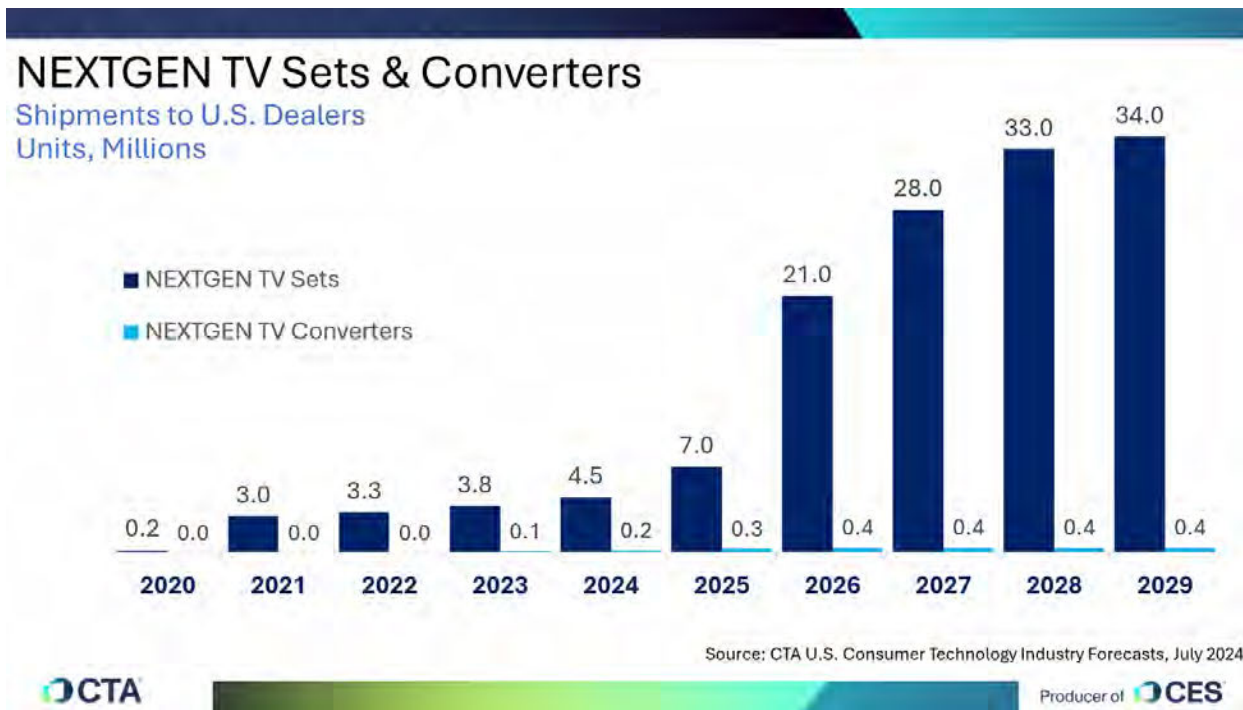


Figure 2: CTA Forecasts, July 2024

C. Consumer Education Responsibilities and Plans

The NEXTGEN TV logo, administered by the Consumer Technology Association, is the primary consumer-facing means of identifying devices that are ATSC 3.0 compliant. Some manufacturers include the logo on boxes or tear sheets. Broadcasters have promoted “look for the logo” when advertising Next Gen features.

The Working Group discussed additional ways to improve consumer awareness of Next Gen TV, including the possibility of including a NEXTGEN TV logo on screen in the ATSC 3.0 transmissions. NAB, CTA, and ATSC are working on best practices around promotion. Pearl TV has developed a consumer-facing website to educate viewers on the features and availability of NEXTGEN TV.³⁶ It was reported in the February 2024 meeting that broadcasters have engaged in a national advertising campaign in which close to \$40 million in promotional spots aired both on-air and digitally promoting the NEXTGEN TV logo and features. Now that NEXTGEN TV signals are available in over 75% of the country, national advertising and labeling efforts are becoming more effective.

Broadcasters will continue to take the lead in educating consumers about the availability of NEXTGEN TV signals and continue to work closely with manufacturers and retailers to ensure that point of sale information is clear and consistent.

³⁶ www.watchnextgentv.com

D. Simulcasting

FCC rules require that stations wishing to transmit in ATSC 3.0 arrange to host their primary video programming in ATSC 1.0 on another broadcast station in their market and that the programming delivered over ATSC 1.0 be “substantially similar” to the programming delivered in ATSC 3.0.³⁷ Although the “substantially similar” requirement is scheduled to sunset on July 17, 2027, there is no date set for the end of simulcasting in the Commission’s rules.

The Group discussed the market conditions that could permit simulcasting to end. Discussions focused on a voluntary end to simulcasting, primarily focused on full-power broadcasters. Consideration of a mandatory sunset of ATSC 1.0 transmissions was reserved for the post-transition regulatory discussion contained in Working Group 3.

Full-power broadcasters indicated they were unlikely to choose to end ATSC 1.0 transmissions until most consumers can receive NEXTGEN TV transmissions, whether on NEXTGEN TV televisions, converter devices, or via MVPD carriage. Broadcasters identified ubiquitous affordable dongles as a precursor to such a transition. Broadcasters and device manufacturers agreed that having a target date for a transition would help align product development cycles and messaging to ensure that consumers will have access to these devices. Consumer electronics participants and low power broadcast participants again emphasized that any consideration of a deadline must provide a mechanism to ensure that desirable new content and services delivered via ATSC 3.0 already have stimulated consumers’ interest in ATSC 3.0 and their purchase of ATSC 3.0 receivers sufficiently to allow a responsible ATSC 1.0 shutoff and that the conditions to enable this shut-off must be driven by consumer demand and adoption, not by government mandates.

Examples from past transitions, particularly the DTV transition, were considered. The DTV transition was initially set up with a “soft deadline” based on market conditions and was later switched to a “hard date” that was established by Congress together with a program that provided government-funded coupons for the purchase of converter boxes. MVPD participants reiterated their position that it is premature to establish either a voluntary or mandatory ATSC 1.0 sunset date and noted that the Commission has stated that it will initiate a proceeding to consider the sunset of certain ATSC 1.0 requirements in 2026.

E. Managing Capacity During the Transition

During the transition to NEXTGEN TV broadcasting, unlike most other similar transitions, broadcasters do not have access to extra spectrum to launch this new service. Instead, broadcasters team up, with typically one broadcaster in a market providing an ATSC 3.0 signal (the “lighthouse”) that hosts up to five other stations’ NEXTGEN TV program streams, while the remaining broadcasters continue to offer ATSC 1.0 signals on their channel and host the lighthouse’s programming in ATSC 1.0 format (see *Figure 3*). Large markets with more stations that want to transition may have two stations transmitting in ATSC 3.0. This ensures that viewers continue to receive access to ATSC 1.0 signals.

Delivering programming in both formats simultaneously takes enormous capacity and creates significant constraints on what services all participating broadcasters can offer. The

³⁷ 47 C.F.R. §§ 73.624(b)(3), 73.3801(b).

nationwide delivery of all programming in both ATSC 1.0 and ATSC 3.0 simultaneously with available spectrum is simply not possible. The ATSC 3.0 “lighthouse” can offer only a small fraction of the features that will be possible after the transition. Migrating additional stations to ATSC 3.0 opens more capacity for improved service but reduces the capacity available for ATSC 1.0 signals – making it much more difficult to continue to offer the quality and variety of content available today. Low power broadcast participants observed that in some cases there may be low power stations that are willing and able to partner with full-power stations to host some of the content during the transition. Full power broadcast participants noted that this is already occurring in several markets, but coverage differences can make it difficult to find a suitable hosting partner that preserves service to viewers and complies with the FCC rules.

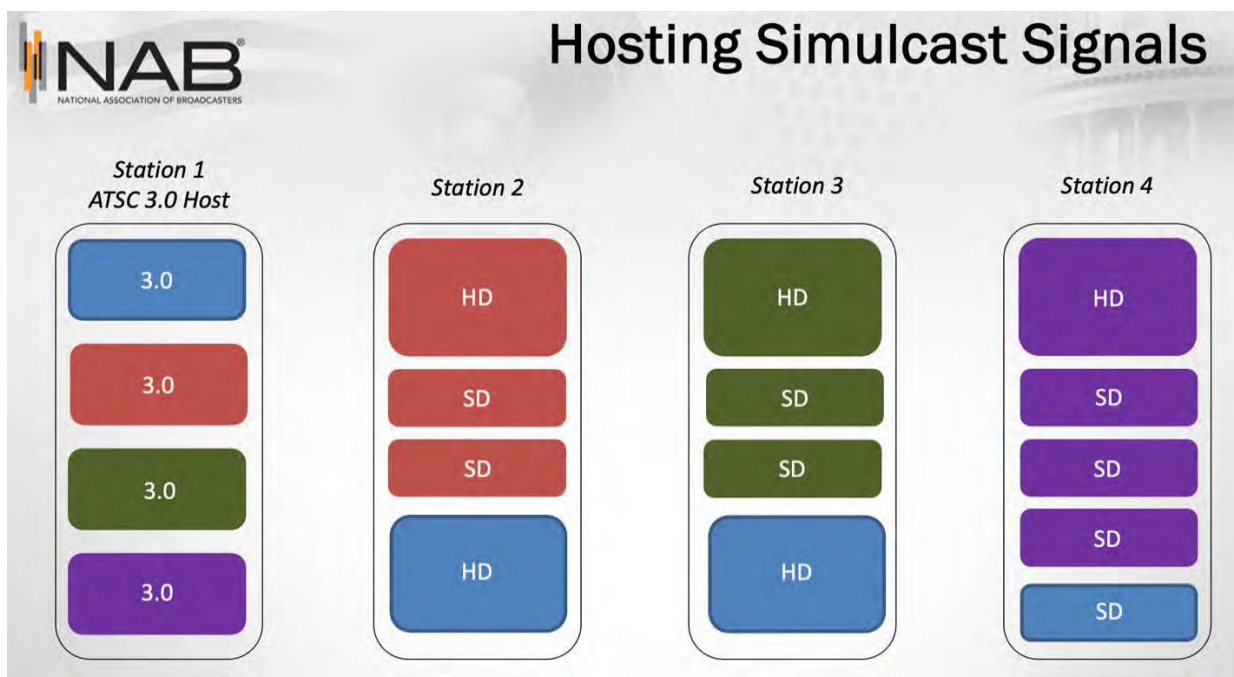


Figure 3: Presented at June 2023 FOTVI WG-2 Meeting

Interim technologies are not a panacea for minimizing disruption. Several alternative technologies were discussed as potential solutions to maintain service to viewers with ATSC 1.0-compatible equipment while enabling more capacity to be dedicated to ATSC 3.0 transmissions. Two options were discussed in depth: advanced video coding (AVC, also referred to as MPEG-4) and anamorphic/wide-screen standard definition video.

Some broadcasters are already using advanced video coding to deliver non-primary video streams as it enables them to offer roughly twice as many high-definition video program streams on a single ATSC 1.0 signal compared to MPEG-2. Broadcast participants shared their experience that most – if not all – televisions that are marketed as “Smart TVs” are capable of seamlessly decoding AVC video in an ATSC 1.0 signal. Some stations have begun transmitting their multicast program streams using AVC and have received few viewer complaints as a result. However, any consumer that is still using a sixteen-year old DTV

converter device or similarly aged early DTV television set would not be able to receive AVC-encoded video without upgrading.

Meanwhile, all DTV receivers can decode anamorphic or wide-screen standard definition content. Unlike normal standard definition content, anamorphic or wide-screen SD would fill the entirety of an HDTV screen without “pillar bars” surrounding the content. Thus, it would be less jarring than a traditional SD broadcast without requiring the bandwidth of a high-definition signal. Nevertheless, the content would still be lower resolution and many – if not most – consumers would be able to notice a degradation in quality.

F. Tuner and Labeling Standards

In 2019, CTA announced the introduction of a NEXTGEN TV logo, in partnership with ATSC and NAB. Devices bearing the NEXTGEN TV logo have gone through a testing and certification process that verifies that the devices are compliant with a suite of tests encompassing the portions of the ATSC 3.0 standard that are essential for Next Gen Television reception.

Additionally, nearly all devices that bear the NEXTGEN TV logo carry certificates from the ATSC 3.0 Security Authority (A3SA), which allow them to use cryptographic certificates both to verify the authenticity of content and applications received by the device and to secure any content that may be protected using the ATSC 3.0 security standard. A3SA’s verification test suite is currently separate from the NEXTGEN TV test suite, but most devices go through the processes simultaneously. Discussions are underway to unify the testing programs.

X. Consensus Recommendations

Broadcasters should establish best practices for consumer notification and education. Using common language around the provision of new features would help consumers understand what to expect from NEXTGEN TV.

Working Group 3 – Post-Transition Regulation

I. Purpose and Scope

Working Group 3 was established to consider and evaluate whether any regulatory changes are necessary after the transition to ATSC 3.0.

II. Issues

The Working Group addressed the following issues:

- Multichannel Video Programming Distributor (MVPD) carriage of 3.0 signals
- Existing public interest obligations of broadcasters and potential regulatory changes to reflect ATSC 3.0 transmission
- Privacy and security for viewers and viewing information
- Accessibility of ATSC 3.0 programming, and
- Whether all ATSC 1.0 transmission must eventually end.

III. Summary

Working Group participants agreed that the transition to ATSC 3.0 in and of itself should not change the applicability of many existing regulations, including those pertaining to retransmission consent, accessibility, children’s programming, political advertising, public file, EAS, and localism. Participants generally agreed that broadcasters should not face different privacy regulations than other entities that collect the same types of information. The Working Group also had constructive dialogue on areas where viewpoints diverged. As discussed in further detail below, MVPD participants identified certain technical challenges MVPDs face in carrying ATSC 3.0 signals, which, in their view, may necessitate changes to or clarification of carriage rules. Broadcast participants emphasized their commitment to working with MVPD partners and noted that a number of these technical challenges may be addressed in SCTE/DVS standards and ATSC recommended practices, some of which have already been released by SCTE, and the FCC should review these standards and practices once they are released to determine what technical challenges remain and may need to be addressed. Public interest participants believe that some of broadcasters’ public interest obligations may require change to reflect ATSC 3.0 transmission and the advanced capabilities that ATSC 3.0 offers. Broadcast participants emphasized that ATSC 3.0’s advanced capabilities offer numerous potential public interest benefits and that regulations that constrain broadcasters’ ability to explore the full potential of ATSC 3.0 should not be reflexively imposed to prevent hypothetical harms that have not yet materialized.

IV. MVPD Carriage of 3.0 Signals

Broadcast television signals are carried by MVPDs pursuant to either mandatory carriage (i.e., “must-carry”) or retransmission consent. Under the mandatory carriage provisions of the Communications Act and FCC rules, if a qualifying station elects must-carry, MVPDs are required to carry that station’s signal without compensation to the broadcaster.

Retransmission consent, on the other hand, allows broadcasters and MVPDs to engage in good faith negotiations for the prices, terms, and conditions of MVPDs' right to carry broadcast signals. Noncommercial educational stations may only elect must-carry and do not have the ability to elect retransmission consent.

At the outset, the Working Group reviewed the FCC's existing carriage rules and agreed that based on currently available information, several may not require modifications post-transition to accommodate the change in broadcast technology to ATSC 3.0, including those pertaining to significantly viewed signals, channel positioning, compensation for carriage, retransmission consent, and several definitions.³⁸

MVPD participants also identified certain technical challenges MVPDs face in carrying ATSC 3.0 signals which in their view may necessitate changes to or clarification of carriage rules. MVPDs explained that their views are based on information currently known about the ATSC 3.0 transition, technology use-cases, and related standards and is therefore subject to change as circumstances evolve. In addition, as individual MVPDs may differ significantly in how digital television is carried on their systems, technical challenges and limitations may vary across the MVPD ecosystem.

A. MVPD Perspective on Technical Challenges Presented by ATSC 3.0 Carriage for MVPDs

The below lays out the MVPD perspective on technical issues raised by potential must carry requirements for ATSC 3.0 signals. This paper does not address other issues surrounding must-carry. MVPDs note that many of these issues will also arise in the context of retransmission consent negotiations but stress that how these issues may be resolved — if at all — in the context of complex bilateral carriage negotiations is not necessarily indicative of how the issues should be resolved in the context of must carry.

MVPD Participants Assert that ATSC 3.0 Carriage Would Require New Equipment and Other Costs. ATSC 3.0 is not backwards compatible with MVPD digital video systems. Accordingly, MVPD participants stated that all MVPDs will need to purchase new equipment and incur other costs to transcode ATSC 3.0 signals to signals compatible with their systems and that these costs will be incurred regardless of whether the MVPD down-converts the signal or passes through the ATSC 3.0 signal in its native format to customers. DBS carriers and other MVPD participants stated that they lack the capacity to pass through the ATSC 3.0 signal in its native

³⁸ See 47 C.F.R. § 76.54 (Significantly viewed signals method to be followed for special showings); 47 C.F.R. § 76.57 (Channel positioning (cable)); 47 C.F.R. § 76.66(i) (Channel positioning (satellite)); 47 C.F.R. § 76.61 (Disputes concerning carriage (cable)); 47 C.F.R. § 76.66 (m) (Disputes concerning carriage (satellite)); 47 C.F.R. § 76.64 (Retransmission consent); 47 C.F.R. § 76.65 (Good faith and exclusive retransmission consent complaints (applicable to all MVPDs and broadcasters)); 47 C.F.R. § 76.56 (Signal carriage obligations (cable)); 47 C.F.R. 76.66 (b), (d), (h), and (o) (Signal carriage obligations (satellite)); certain definitions found at 47 C.F.R. § 76.55 (cable) and 47 C.F.R. § 76.66 (a), (e), (g) (satellite).

format, meaning that costs incurred likely will not benefit their customers.³⁹ Such participants assert that this is not, as broadcasters suggest below, “reliance on outdated equipment” to “degrade” broadcast signals.⁴⁰ Rather, MVPD participants stated that not all MVPDs can pass through ATSC 3.0 in native format, and not all those that can will conclude that any subscriber benefits merit the expense. MVPD participants stated that any potential rules should take these costs into account.

Costs Associated with the Reception and Processing of ATSC 3.0 Signals Regardless of the Manner of Delivery.

New transcoders. One transcoder will be required per broadcast station per location (a cable headend or Direct Broadcast Satellite (DBS) remote, local over-the-air (OTA) reception site). Consequently, MVPD participants stated that the cost of the necessary equipment to perform this transcoding may be significant, particularly for smaller MVPDs serving many distributed locations.⁴¹ Moreover, MVPD participants stated that the specific features any one MVPD may require, the volume of transcoders they may purchase, and the discounts, if any, they are able to negotiate – all of which affect cost – may vary widely across MVPDs. Further, MVPD participants contend that any assumption that the cost of transcoders will decrease significantly as time progresses and more transcoders are purchased is purely speculative at this time. In addition, MVPD participants also noted that this cost is not necessarily one that

³⁹ Thus, MVPD participants contend that broadcast statements that ATSC 3.0 equipment upgrades can result in a higher-quality viewing experience for MVPDs subscribers, see *below section entitled “Broadcast Perspective on the Technical Challenges Raised by MVPDs,”* are inapplicable to those who cannot offer such signals in native format. In addition, with respect to broadcast claims about DBS capacity constraints below, MVPD participants emphasized:

- MVPD participants contend that any carriage of ATSC 3.0 in “native” format will, by definition, be unavailable to satellite customers without ATSC 3.0-compatible set-top boxes (that is, essentially all of them). MVPD participants assert that until each such box is replaced, therefore, carriage of non-downconverted ATSC 3.0 signals must, by definition, be *in addition to* carriage of downconverted signals. MVPD participants assert that it thus does not matter that ATSC 3.0 “does not inherently require higher bandwidth capacity.”
- In any event, MVPD participants assert that one of the features of ATSC 3.0 is that it allows stations to change the amount of bandwidth they choose to devote to any one stream or group of streams, essentially on the fly. Thus, MVPD participants stated that a station that chooses “to launch multiple HD streams but not a 4K stream” can change its mind. (MVPD participants also note that the total bandwidth required by “multiple HD streams” might be the same as that required by single “4K stream” in the first place.)

⁴⁰DIRECTV, for example, has recently replaced its transcoders.

⁴¹ MVPD participants contend that these costs could amount to hundreds of thousands of dollars, even for a cable operator with only a few thousand subscribers. MVPD participants stated that a per-subscriber expense of that magnitude would be difficult to bear and could be a factor that drives smaller cable operators to consider exiting the video business.

MVPDs would otherwise incur, as not all MVPDs currently transcode ATSC 1.0 signals and even those MVPDs that do transcode may not have plans to upgrade or replace equipment on a timeline that corresponds to the ATSC 3.0 transition in markets they serve.

New receivers. MVPD participants stated that because ATSC 3.0 replaces 8VSB modulation with orthogonal frequency division multiplexing, new receivers would be needed.

Demultiplexers. MVPD participants noted that MVPDs may have to separate out multiple streams of programming from a single ATSC 3.0 station, which would require demultiplexers. MVPDs also stated that they may also have to separate out broadcast material intended for retransmission from non-broadcast material not intended for retransmission. This may require the use of demultiplexers, although MVPD participants are unaware of any existing technology that could separate broadcast from non-broadcast material.

Costs Associated with Over-the-Air Reception of ATSC 3.0 Signals. MVPD participants stated that MVPDs would incur additional costs to receive ATSC 3.0 signals over-the-air. For example, MVPD participants stated that demodulators capable of converting ATSC 1.0 are incapable of converting ATSC 3.0 signals to a bitstream. MVPDs would have to purchase additional demodulators to accommodate such reception.⁴²

MVPD Participants Assert that Good Quality Signal Requirements Would Have to Be Updated for ATSC 3.0. The Commission's rules provide that a local commercial television station asserting must carry rights is required to deliver a good quality signal to the principal headend of a cable system.⁴³ MVPD participants explained that good quality signal reception means that the MVPD can reliably demodulate, decode, and transcode the OTA broadcast signal to redistribute the primary video channel. MVPD participants believe that the current definition of good quality signal reception for ATSC 1.0 in the Commission's rules (-61dBm)⁴⁴ would have to be adjusted for ATSC 3.0. MVPD participants stated that defining a signal level sufficient for reliable demodulation of the OTA RF signal is not necessarily sufficient to enable redistribution of the primary ATSC 3.0 video channel by an MVPD. MVPD participants contend that compliant IP encapsulation, ROUTE or MMT transport, HEVC encoding (or subsequent video coding standard), and AC-4 audio encoding of the primary video channel are also relevant to the quality of signal reception by MVPDs, and modulation codes for reliable demodulation must also be identified.⁴⁵

⁴² In addition to these costs, MVPD participants contend that MVPDs may also incur patent royalty fees related to ATSC 3.0 equipment. See, e.g., American Television Alliance Comments, GN Docket No. 16-142, at 13 (filed May 9, 2017) (discussing potential patent costs).

⁴³ See 47 C.F.R. § 76.55(c)(3); 47 U.S.C. § 534(b)(10)(A).

⁴⁴ See *id.*

⁴⁵ MVPD participants stated that compliant IP encapsulation, ROUTE or MMT transport, HEVC encoding (or subsequent video coding standard), and AC-4 audio encoding of the primary video channel are also necessary for non-OTA (e.g., fiber-based) delivery of the primary video channel to the MVPD.

To the extent the Commission were to adopt ATSC 3.0 must-carry, MVPD participants stated that ATSC would likely need to develop a Recommended Practice for ATSC 3.0 akin to A/78, which is currently used for evaluating transport streams in ATSC 1.0. MVPD participants stated that any such Recommended Practice could be incorporated by reference in any must carry requirements for a good quality signal and should include decodability requirements for any alternative signal delivery methods (e.g., fiber) that a station may utilize as well.

MVPD Participants Assert that the Rules for Material Degradation Would Have to Account for the Capabilities of MVPD Systems. Section 614 of the Communications Act requires that cable operators carry broadcast signals “without material degradation,” and instructs the Commission to “adopt carriage standards to ensure that, to the extent technically feasible, the quality of signal processing and carriage provided by a cable system for the carriage of local commercial television stations will be no less than that provided by the system for carriage of any other type of signal.”⁴⁶ MVPD participants stated that in keeping with this statutory provision, the Commission has over the years revised the standard for avoidance of material degradation to account for changes in technology. ATSC 3.0 enables broadcasters to enhance the audio and video capabilities of their programming in a number of ways. MVPD participants stated that these features, however, may exceed the capabilities and capacity of an MVPD’s digital video system. For example, DBS providers stated that in most cases they do not have the capacity to add bandwidth-intensive 3.0 signals of local stations on their spot beams. Other MVPDs, including smaller cable operators, stated that they will also have capacity constraints. Such participants stated that to manage constraints, transcoding and down-converting an ATSC 3.0 primary video channel for carriage will be necessary and could impact audio and video features. MVPD participants stated that since this type of degradation is unavoidable, it should not be considered material degradation of the primary video channel under any possible rules.

MVPD participants also contend that such issues are not present in ATSC 1.0, as ATSC 1.0 broadcast signals have not changed significantly over time. ATSC 3.0 is the first change in digital broadcast signals that is not backward compatible and that introduces features that cannot be supported by MVPD systems. MVPD participants stated that, in contrast, MVPD set-top box and television set advancements over time have maintained backward compatibility. MVPD participants further stressed that they should not be required to incur the significant cost burden and customer disruption that accompany large-scale set-top box replacement and network evolutions in order to accommodate broadcasters’ voluntary choice to transition to a non-backward compatible technology.

Video Formats. Not all MVPD set-tops support video formats such as 4K video resolution, High Efficiency Video Coding (HEVC), Scalable High Efficiency Video Coding (SHVC), High-Dynamic Range (HDR), and Wide Color Gamut (WCG). MVPD participants stated that in these instances, the transcoding process will down-convert the primary video channel to an encoding and resolution format supported by the MVPD’s set-tops. MVPD participants asserted that this

⁴⁶ 47 U.S.C. § 534(b)(4)(A).

process will necessarily degrade the video quality (e.g., in resolution, dynamic range, and color gamut) to fit the capabilities of the MVPD's system.

For example, SHVC is an extension of the HEVC standard that allows video to be encoded in scalable layers. MVPD participants explained that a broadcaster, using SHVC, could transmit the signal for a programming channel OTA in HD (1080p) while also streaming a 4K UHD enhancement layer over broadband, which could then be combined in a connected NextGen TV to create a 4K UHD signal. MVPD participants stated that any NextGen TVs that are not connected to broadband would display only the HD video signal for the channel. MVPDs do not support SHVC. Therefore, in this scenario, MVPD participants stated that the MVPD may only be able to deliver the HD version of the video.⁴⁷ In addition, not all MVPD set-tops support 4K video resolution or HDR or WCG and therefore, in this scenario, MVPD participants stated that the MVPD may only be able to deliver HD video resolution with SDR and reduced color gamut.

Audio Formats, Including Secondary Audio. Not all MVPD set-tops support AC-4 audio encoding or all the features and capabilities that are present in AC-4. MVPD participants explained that in these instances, the transcoding process will down-convert the audio to a format supported by the MVPD's set-tops.⁴⁸ As a result, MVPD participants stated that there would be limits for some MVPD set-tops on the number of audio channels they can support, which may result in fewer secondary audio choices, and dialog enhancement features present in AC-4 may not be available. MVPD participants noted that to the extent accessibility features are included in these additional audio tracks and enhancements, some MVPD set-tops would not be capable of making these accessibility features available. MVPD participants stated that this may be especially true for DBS, which may lack capacity for certain audio formats.

MVPD Participants Assert that ATSC 3.0 Should Not Expand the Concept of Program-Related Material. ATSC 3.0 introduces multiple additional mechanisms for transporting data to the ATSC 3.0 receiver, including within the audio and video streams and through separate data transport mechanisms and watermarking (see below). MVPD participants stated that these new data transport mechanisms should not expand the concept of program-related material to the extent the Commission were to adopt ATSC 3.0 must-carry rules; rather, carriage should continue to conform to current must carry regulation in this respect.

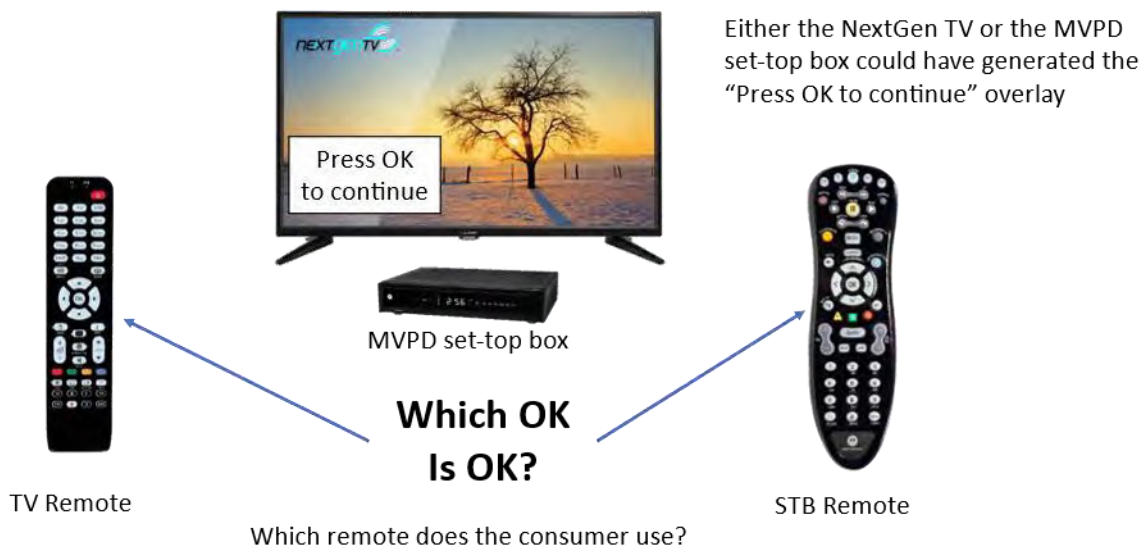
MVPD Participants Assert that Watermarking Would Present Issues for Consumers and MVPDs. Broadcasters transmitting in ATSC 3.0 may use watermarks to enable certain additional content and features, including applications and audio content delivered via a NextGen TV receiver.⁴⁹ MVPD participants expressed concerns that such watermarks could be passed through to MVPD subscribers without the MVPD's involvement or knowledge and

⁴⁷ While MVPDs are not aware of any current deployment of SHVC to transmit a primary video stream, the feature remains part of the ATSC 3.0 standard.

⁴⁸ MVPD participants stated that AC-3 is the most commonly supported format, as it is the audio codec specified in ATSC 1.0.

⁴⁹ The ATSC 3.0 standard for watermarking is specified by the ATSC standard: *Content Recovery in Redistribution Scenarios* Doc. A/336:2023-08 August 11, 2023.

could therefore allow a broadcaster to automatically launch supplemental content or features for those MVPD subscribers that own NextGen TVs, regardless of whether the MVPD itself passes those features through. MVPD participants believe this could frustrate and confuse MVPD subscribers for several reasons. For instance, MVPD participants stated that supplemental content and features delivered in this manner could be at odds with a consumer's choices made via the MVPD set-top box (e.g., preferred language and/or audio). MVPD participants contend that as the application running on the MVPD set-top box will be unaware of what is being presented to the consumer via the NextGen TV receiver, it could result in display of conflicting content. Moreover, MVPD participants stated that a consumer using an MVPD's service will likely believe that any supplemental content is being generated by the MVPD set-top box and thus controlled by that remote control, when in fact the content is being generated by the NextGen TV receiver and is controlled by the NextGen TV remote. The following diagram depicts an example of the potential confusion described by MVPDs.



MVPD participants noted that this situation is unlike when a consumer must use different remotes depending on the input they have chosen on their television because here, the consumer is watching via the MVPD set-top box input on the television and has not selected a different input when the broadcast supplemental content appears. Accordingly, MVPD participants believe consumers will likely expect to use the MVPD remote to interact with the supplemental content, and will likely believe that their MVPD set-top box or remote is malfunctioning when they cannot use it to interact with the content.⁵⁰ MVPD participants stated that the resulting customer dissatisfaction and calls to MVPD customer support would be difficult, if not impossible, for the MVPD to resolve. MVPD participants stated that it is therefore essential that MVPDs be permitted to remove any watermarking that is not legally

⁵⁰ Indeed, MVPDs contend that even if the broadcast interactive content explicitly notifies the consumer to use the NextGen TV remote, the consumer may not understand what that means or even be able to locate the relevant remote.

required to be present.⁵¹ Significantly, MVPD participants contend that watermarks are not necessary for broadcasters to deploy advanced features such as targeted emergency alerts, accessibility enhancements, interactivity, and the ability to restart programming.⁵² Accordingly, MVPD participants contend that the ability for MVPDs to remove watermarks will protect MVPD subscribers while maintaining broadcasters' ability to deploy these advanced features over ATSC 3.0.

MVPD Participants Assert that the ATSC 3.0 Transition Would Raise Dual Carriage and MVPD Spectrum Constraint Concerns. The modulation used in ATSC 3.0 increases the available bitrate for broadcast signals over ATSC 1.0. As a result, MVPDs stated that more bandwidth may be required for primary video channels in ATSC 3.0, especially if the channels are broadcast in higher resolutions such as 4K. MVPD participants contend that this could strain the spectrum resources available on an MVPD's system (as noted above, DBS providers would need to down-convert ATSC 3.0 signals in most, if not all, cases due to capacity constraints).⁵³ MVPD participants stated that this burden would be exacerbated if MVPDs, as a practical matter or pursuant to the adoption of an FCC rule, must carry ATSC 3.0 signals *in addition* to carriage of a simulcast ATSC 1.0 signal and/or down-converted ATSC 3.0 signal to accommodate the majority of MVPD subscribers that do not have set-top boxes capable of decoding ATSC 3.0 audio and video content. MVPD participants stated that for some MVPDs, such as DBS, dual carriage is simply not possible due to bandwidth limitations on their systems. MVPD participants stated that for other MVPDs that offer video, voice, broadband and other services over the same physical network, mandates that increase bandwidth requirements for ATSC-originated programming necessarily have an opportunity cost for other services on a multi-service network.

MVPDs understand that SCTE has recently released standards⁵⁴ and ATSC is in the process of developing recommended practices that address redistribution of ATSC 3.0 signals by MVPDs. MVPDs will review the ATSC recommended practices once released. However, MVPDs note that not all standards can be implemented on all existing distribution platforms, as new standards have the potential to be beyond the technical capabilities of the existing platforms.

B. Broadcast Perspective on the Technical Challenges Raised by MVPDs

Broadcast participants emphasized that ATSC 3.0 introduces significant advancements that serve the public interest and directly enhance the viewer experience. Broadcast participants

⁵¹ A means by which MVPDs could remove watermarks has been described in ATSC Recommended Practice A/370.

⁵² Although broadcasters contend that watermarks are necessary to deploy these features via an MVPD set top box that is not ATSC 3.0 compatible, MVPDs note that the must carry rules do not require MVPDS to carry any and all features that broadcasters may choose to deploy.

⁵³ As discussed above, MVPDs stated that transcoding a high bandwidth feed to a lower bandwidth in order to lessen capacity strain could lead to quality degradation.

⁵⁴ "Linear Contribution Encoding Specification", SCTE 277 2024, <https://account.scte.org/standards/library/catalog/scte-277-linear-contribution-encoding-specification/>.

asserted that, by upgrading their infrastructure to enable access to these premium, over-the-air enhancements, MVPDs can offer their subscribers a higher quality viewing experience. Broadcast participants acknowledged that MVPDs will face costs when upgrading their transcoding equipment to support ATSC 3.0 and decrypt DRM-protected content. Commercial ATSC 3.0 transcoders are available, and A3SA offers a certification program for transcoding devices to ensure that they can receive over-the-air ATSC 3.0 signals and decrypt DRM-protected content effectively. Broadcast participants contend that the cost of ATSC 3.0 transcoders on a per service basis is similar to ATSC 1.0 transcoders with the same features. To the extent that small cost differences currently exist, broadcast participants contend that they are due to the relatively small volume of ATSC 3.0 transcoders currently being sold. Once MVPDs begin purchasing ATSC 3.0 transcoders at a higher volume, broadcasters expect such cost differences to disappear. Broadcast participants stressed that establishing a clear timeline for the transition to ATSC 3.0 would allow MVPDs to plan, budget, and manage the associated costs of ATSC 3.0 equipment in a structured way and would also help avoid the dual carriage concerns MVPDs raised.

Broadcast participants also contend that some of the technical issues identified by MVPDs are not unique to ATSC 3.0 and therefore do not require the FCC to modify existing rules to address such issues. For example, MVPDs assert that not all MVPD set-top boxes support certain video formats and therefore the transcoding process will degrade video quality to fit the capabilities of the MVPD system. However, broadcast participants stated that this is not an issue unique to ATSC 3.0. Digital cable set-top boxes, broadcast signals, and TV sets often have technological disparities over time as technology evolves. Broadcasters asserted that this would continue to be the case in ATSC 1.0 and therefore rule changes are not necessary to reflect new issues presented by ATSC 3.0. Moreover, broadcast participants believe that MVPDs should not be able to use their reliance on outdated equipment as justification to materially degrade broadcast signals going forward.

Regarding DBS capacity constraints, broadcast participants noted that such constraints are not as inevitable as MVPDs suggest. ATSC 3.0 does not inherently require higher bandwidth capacity, and not all ATSC 3.0 signals will come with a higher bandwidth version of a stream than the ATSC 1.0 signal. For example, a station could choose to launch multiple HD streams but not a 4K stream. Coding efficiencies may also reduce bandwidth demands.

Broadcasters are committed to working closely with MVPDs to prevent any consumer confusion that could arise from broadcaster applications and disagree that the potential for consumer confusion should result in rules that permit MVPDs to strip watermarks out of broadcast signals. ATSC 3.0 watermarks embed data that enable critical features of ATSC 3.0, such as targeted emergency alerts, accessibility enhancements, interactivity, and other consumer-friendly features including the ability to restart programming. Broadcasters maintain that MVPDs' assertions to the contrary are inaccurate. While watermarks are not necessary to launch these features over-the-air to an ATSC 3.0 television set, they are necessary to deploy these features via an MVPD set-top box that is not ATSC 3.0 compatible. Thus, absent the watermark, MVPD consumers will not be able access these advanced features. Broadcast participants believe that it would be inappropriate to permit MVPDs to

strip these features and thereby exclude competing applications on their platforms. Broadcasters stated that any initial consumer confusion can and should be addressed through proactive consumer education and clear labeling on NEXTGEN TV interfaces rather than sacrificing innovative content that will ultimately enhance consumer satisfaction in the long run.

Broadcast participants agree that many of these issues will be discussed, and potentially resolved in the context of retransmission consent negotiations since broadcasters believe many of the issues of concern apply in both the retransmission consent and must carry contexts. Additionally, as noted above, SCTE has recently released standards and ATSC is in the process of developing recommended practices that address redistribution of ATSC 3.0 signals by MVPDs that may address the technical challenges faced by MVPDs, including issues such as transcoding, signal compatibility, and the integration of advanced features. Broadcast participants expect that the ATSC recommended practices will be released in the coming months.

V. Public Interest Obligations

A. Public Interest Benefits of ATSC 3.0

Most participants acknowledged that ATSC 3.0's advanced features and capabilities enable significant public interest benefits including enhancements in video and audio quality, improved signal reception, upgraded accessibility features, more effective emergency alerts, and enriched educational programming. Public broadcasters highlighted their intent to leverage ATSC 3.0's capabilities to enhance educational content by incorporating interactive elements such as educational games, interactive timelines, and access to additional or supplemental information. Public broadcasters also highlighted their use of ATSC 3.0's datacasting capabilities to serve their public safety mission. Broadcasters' use of interactive applications could also allow viewers to engage with weather and emergency alerts, receiving highly localized and potentially life-saving information during disasters or other emergencies. Broadcasters further emphasized that ATSC 3.0 safeguards the public's interest in maintaining a robust free, over-the-air television service by enabling them to effectively compete with streaming and other platforms where these enhanced features have become the norm. Broadcasters also noted that the Broadcast Positioning System (BPS) is an innovative feature enabled by ATSC 3.0 that allows broadcasters to transmit precise timing data alongside their broadcast signals, thereby offering a more secure alternative to traditional GPS systems that also would serve the public interest.

Broadcasters outlined some of the progress that has been made to date in delivering these benefits to viewers. Approximately 76% of U.S. households (i.e. 93 million households) live in areas that have ATSC 3.0, unlocking new benefits. Over 70 million of those viewers now have access to live sporting events and other programming in HDR with immersive sound. Broadcasters have also introduced features typically associated with streaming and other paid services, such as the ability to "pause" and "start over" live broadcasts. Viewers can now interact with applications that provide personalized and localized information. Pearl has created the Run3TV platform to help broadcasters develop interactive applications to

enhance the viewing experience that are delivered seamlessly in the live broadcast and across all devices. In 2024, NBCUniversal launched an interactive app on its NBC and Telemundo-owned stations across the country that enhances the viewing experience by incorporating local news, hyper-local weather, advanced emergency alerting, and other community-specific content into network programming such as The Today Show.

B. Public Interest Obligations of Broadcasters Post-Transition

Broadcasters and public interest participants agreed that broadcasters' existing public service obligations should continue post-transition to ATSC 3.0. Broadcasters remain committed to providing a free, over-the-air service to their viewers without the need for an internet connection and agree that the transition to ATSC 3.0 does not necessitate changes to existing children's programming, political advertising, public file, accessibility, EAS, and localism obligations.

Public interest participants outlined areas they believe potential changes to broadcasters' public interest obligations to reflect ATSC 3.0 transmission should be explored, including:

- **Enhanced capabilities:** ATSC 3.0's technical advancements offer opportunities to enhance public interest obligations. The FCC should explore how these capabilities can improve emergency alerts, accessibility, and localism.
- **Educational Content:** The FCC should encourage broadcasters to leverage ATSC 3.0's multicast streams and hybrid broadcast/broadband services to offer additional educational content, enriching the programming available to the public.
- **New Accessibility Features:** With ATSC 3.0's potential for new accessibility features, the FCC should consider mandating these enhancements to ensure broadcasters better and more consistently serve viewers with disabilities.
- **Public Inspection File Innovations:** The FCC should evaluate what new categories of ATSC 3.0-specific information should be included in public inspection files and how to enhance their accessibility in the digital age.
- **Fair Use Rights:** The FCC must ensure that ATSC 3.0 or A3SA requirements/restrictions does not interfere with viewers' rights to record and use broadcast programming for fair use purposes such as time-shifting and excerpting material for commentary or news reporting.
- **Ensuring Quality and Receivability of Broadcast Signals:** Minimum Modulation and Coding (ModCod) configurations should be specified to ensure that the primary video broadcast signal remains as robust and equivalent as a station's ATSC 1.0 signal, even as additional services or data streams are layered on. This involves choosing ModCod settings that maintain a strong error-free signal that can be reliably received by viewers using standard equipment. Broadcasters should leverage the capabilities of ATSC 3.0 to improve service robustness and coverage particularly in underserved or challenging reception areas.

Public interest participants also expressed concern that ATSC 3.0 could result in the advent of new business models that could alter the broadcasting landscape in ways that may be hard

to predict. Public interest participants therefore believe that if too little is known about potential future trends stimulated by a transition to ATSC 3.0 to take concrete action regarding potential categories of future transactions or business models, the FCC should expressly retain jurisdiction to impose additional conditions on the use of the ATSC 3.0 standard and to examine potential implications of ATSC's deployment including changes in how broadcasters comply with their public interest obligations and potential future transactions that threaten competitive or other public interest harms.

Broadcasters accept that the FCC should monitor for any changes that occur post-transition to ATSC 3.0 that may affect the public interest. However, broadcasters cautioned that the transition to ATSC 3.0 should not automatically trigger additional regulatory obligations, especially while the transition is in midstream, since imposing such requirements could stifle innovation, reduce operational flexibility, and ultimately harm consumers' access to free, over-the-air television. Broadcasters stated that regulations that preemptively dictate how ATSC 3.0 should be implemented, based on hypothetical risks that may never emerge, could hinder broadcasters' ability to explore the full potential of the new technology. Additional regulatory burdens are unlikely to result in enhanced educational programming and may erode broadcasters' capacity to deliver quality content. Specifically, broadcasters stated that burdensome compliance mandates could divert resources away from developing new applications and experimenting with features that could benefit viewers and ultimately limit broadcasters' ability to invest in high-quality programming and local journalism. Consumer equipment manufacturers similarly agreed that the FCC should not be mandating additional accessibility enhancements or specifying ModCod configurations.

VI. Accessibility

The Working Group discussed the importance of ATSC 3.0 content remaining accessible to viewers with disabilities and agreed that existing accessibility requirements should continue to apply post-transition to ATSC 3.0. The Working Group also formed a subgroup to discuss additional accessibility features that participants indicated would be helpful to make television programming more inclusive, including:

- Multiple audio tracks so that audio description does not compete with other language tracks
- Improved audio quality for audio description
- Improved captioning with more options for viewers that prefer abbreviated captions such as children and those whose first language is not English
- Access for those whose first language is American Sign Language (ASL) through the incorporation of ASL

Broadcasters noted that ATSC 3.0's use of the AC-4 audio codec allows broadcasters to carry multiple audio streams within a single broadcast signal, enabling them to offer multiple audio tracks, including audio description and secondary language tracks. AC-4's enhanced audio capabilities also transmit audio description with the same quality as the primary audio track and allows for dialogue enhancement to make it easier to understand for people who are

hearing impaired and viewers in noisy environments. These features were demonstrated and extended to an MVPD distribution platform at the NAB 2023 Show using low cost, off-the-shelf equipment. However, MVPD participants cautioned that not all MVPD set-top boxes support AC-4 and therefore may not be able to pass through the advanced audio features, as discussed in detail above. In addition, DBS providers stated that they face capacity constraints that could impact their ability to pass through such features.

ATSC 3.0 has the potential to offer other accessibility improvements as application development continues. Broadcasters explained that they are still in the early stages of unlocking these potential improvements and benefits.

VII. Privacy

The Working Group examined whether ATSC 3.0's new features and capabilities warrant new or different privacy regulations to protect viewers' information. Currently, broadcasters are subject to a variety of federal and state privacy laws that will continue to apply to ATSC 3.0. Participants agreed that there are no new privacy concerns for viewers who receive ATSC 3.0 exclusively over-the-air without an internet connection, as user data cannot be collected without a return path.

However, viewers with an internet connection can take advantage of ATSC 3.0's interactive and personalized services, which may require the collection of user data to customize content and enhance the viewing experience. Broadcasters noted that the type of data they might collect is already gathered by many other service providers, and to compete effectively, broadcasters require a level playing field with equipment manufacturers and other video service providers. Several participants advocated for parity of rules among broadcasters, other video services, equipment manufacturers, and other entities in the video programming ecosystem. MVPD participants expressed that they generally favor regulatory parity across all video providers, including with regard to privacy protections for consumers. Public interest participants also expressed support for privacy rules that are like existing cable privacy regulations or other video-specific obligations (e.g., VPPA).

VIII. ATSC 1.0 Sunset

Some broadcasters support a full industry-wide transition. The Working Group also discussed whether all ATSC 1.0 transmission should end after broadcasters are permitted to stop transmitting in ATSC 1.0 voluntarily. Broadcasters, MVPDs, and other participants generally concurred that this issue will be better informed if and when a voluntary sunset date is set. MVPD participants further expressed their belief that it is premature to establish either a voluntary or mandatory ATSC 1.0 sunset date and noted that the Commission has stated that it will initiate a proceeding to consider the sunset of certain ATSC 1.0 requirements in 2026.

IX. Consensus Recommendations

As noted above, SCTE has recently released standards and ATSC is in the process of developing recommended practices that address redistribution of ATSC 3.0 signals by MVPDs.

Industry and the FCC should review these standards and practices to determine what challenges remain and whether regulatory action may be necessary.

ATTACHMENT A

ATSC 3.0

FOTVI WG1 – BACKWARD COMPATIBILITY

AUGUST 14, 2023

MADELEINE NOLAND, ATSC PRESIDENT

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POWERED BY
ATSC 3.0

Agenda

Consumer Demands on the TV Experience

ATSC 2.0

Short tutorial on two technical concepts

- Single vs. Multiple Carrier design
- Reaching the theoretical limit of spectrum efficiency

ATSC 3.0

Consumer Demands on the TV Experience

Consumers are moving to services and receivers that deliver 4K UHD

They are moving to services that enable on-demand viewing...

...On a variety of devices (TVs, phones, computers, tablets)

...In a variety of settings (at home, on the go)

...With 4K/HDR pictures and immersive sound

...And lots of content choices

...With recommendation engines to help them sort through the choices

Streaming services are delivering these benefits, and consumers are shifting screen time to streaming services

Broadcasters must also deliver these benefits in order to maintain the high level of service that the public expects from free-to-air television

ATSC 2.0

ATSC 2.0 attempted to meet consumer demand with a backward compatible system

- Interactivity for on-demand options and more
- Mobile services to reach more devices at home or on the go
- And advanced video coding to make room for more services

It was a good system, and it was promoted by ATSC, the FCC and the US State Department, but it wasn't enough

Why was ATSC 2.0 unsuccessful?

- There was not enough capacity to offer a competitive mobile service and more content for fixed services and better video quality
- 4K/HDR was not possible

The U.S. is not alone

- Brazil developed a 2.0 and even a 2.5 system (backward compatible); they are now specifying "TV 3.0" (non-backward compatible) and plan to launch in 2025
- Europeans went straight to a non-backward compatible 2nd generation system (DVB-T2 adopted by over 100 countries)
- Japan is currently specifying a non-backward compatible 2nd generation system (Advanced ISDB-T, currently in design phase)

Systems that are Backward compatible with 1st generation DTV have proven insufficient to meet modern consumer expectations for TV

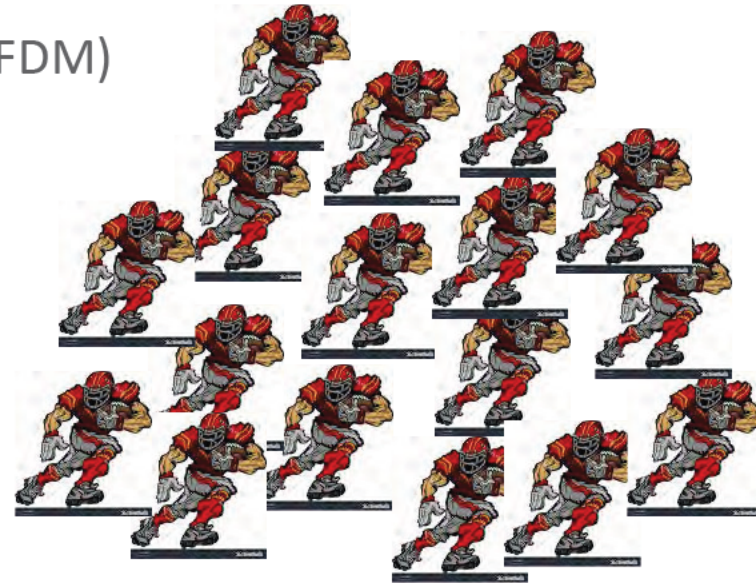
Tutorial #1: Single Carrier vs. Multiple Carrier Design

ATSC 1.0 and 2.0 use a Single-Carrier physical layer design (8VSB)

ATSC 3.0 uses a Multi-Carrier physical layer design (OFDM)



8VSB relies on one robust carrier. If interference disrupts the carrier, reception fails and the consumer loses picture and sound.

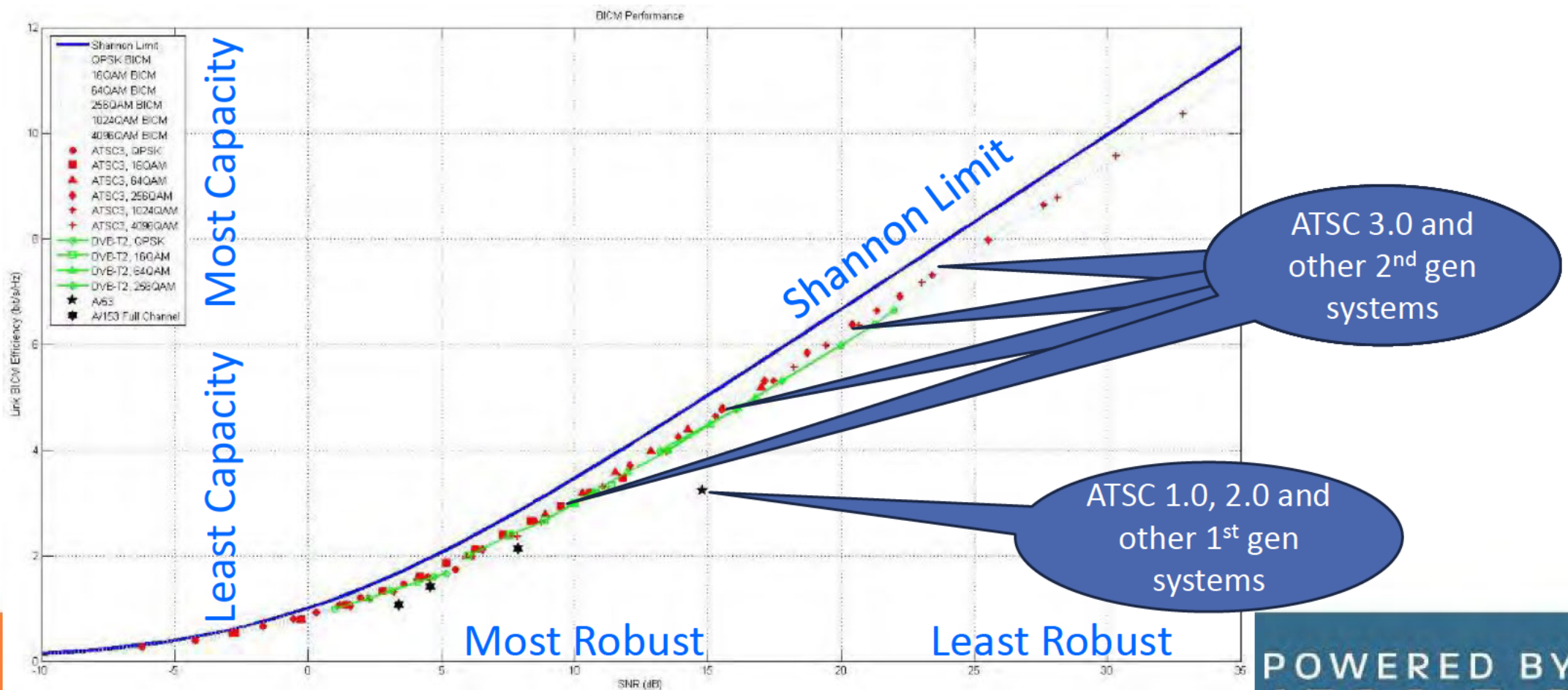


OFDM relies on multiple carriers. As long as enough carriers reach the receiver, consumers get solid reception.

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ATSC 3.0

Tutorial #2: Reaching the Theoretical Limit of Efficiency

The Shannon Limit is the theoretical limit to the amount of data a spectrum band can carry relative to the robustness of the signal



Consumer Benefits of these Technical Designs

Multiple carriers are more resilient to interference; reception is noticeably better

Multiple carriers allow broadcasters to offer a wide range of services in the same channel at the same time:

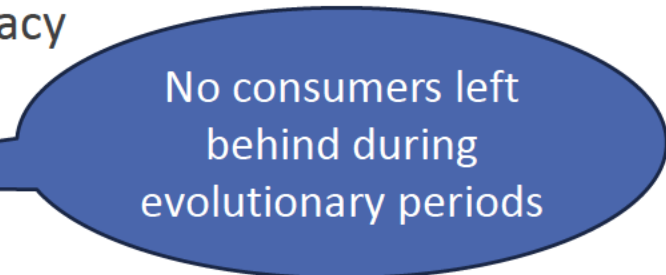
- From SD to 4K/HDR
- From large screens to small screens
- From in-home (stationary) to in-car (highway speeds) entertainment

Multiple carriers enable future-proofing – some carriers bring legacy services while others bring new services in the same channel at the same time


- Legacy 3.0 receivers can present legacy 3.0 services
- New receivers can present the new services

Reaching the Shannon Limit enables more capacity/services **and** future-proofing

- No country is seeking to eclipse 2nd generation efficiency



No consumers left behind during evolutionary periods



Broadcasters keep up with changing consumer demands

ATSC 1.0 Receiver Architecture

ATSC 1.0 receiver hardware is purpose-built to tune and demodulate ATSC 1.0 signals

- This includes everything in the transmission: the single-carrier architecture, MPEG-2 transport stream, MPEG-2 video, etc.
- They can only be updated to accommodate ATSC 3.0 transmissions with an accessory device (e.g., STB)

ATSC 3.0 receivers are purpose-built for the flexibility of a multi-carrier system

- They can tolerate future innovations in ways that ATSC 1.0 receivers cannot

The only way to make ATSC 3.0 transmissions backward compatible with ATSC 1.0 receivers is to repeat the ATSC 2.0 approach, which does not deliver sufficient consumer benefits to be successful and is not future-proof

- ATSC 2.0 necessarily would be a single-carrier system operating well below the Shannon Limit
- The 3.0 multi-carrier system cannot be “tweaked” to be compatible with the single carrier 1.0 system

Considering a Non-Backward Compatible System – Why Now?

FCC FOIA No. 2015-000888

001788

ATSC 2.0 showed that a backward compatible system would not be able to meet consumer demands

Any approach that is backward compatible with 1.0 receivers would ultimately need to be replaced by a non backward compatible upgrade

ATSC 3.0 delivers key consumer benefits and is futureproof in ways that ATSC 1.0 and 2.0 are not

- 4K/HDR pictures
- More robust reception, indoors and outdoors, fixed and mobile
- IP-based transmission simplifying OTA/OTT hybrid services such as on-demand, start-over viewing and more
- Cybersecurity features including signal protection, application certificate authentication, and content protection
- 500% increase in capacity
- Advanced emergency messaging
- More accessibility options

ATSC 3.0 is virtually at the Shannon Limit; there is almost no room for improvement over 3.0

With no revolutionary physical layer technical innovations on the horizon and increasing pressure from consumer demands, broadcasters believe that now is the right time to make the leap

By upgrading to ATSC 3.0, the industry is demonstrating its commitment to delivering high-quality free-to-air TV services for generations to come

POWERED BY
ATSC 3.0

Thank you

POWERED BY
ATSC 3.0

ATTACHMENT B

Maximizing Trust in the NEXTGEN TV Ecosystem

FOTVI WG1



A3SA 3.0 Security Authority, LLC August 21, 2023

What Happens Every Day on the Internet: Security

Security has become fundamental to today's internet video services. It's demanded by content providers, relied upon by (but invisible to) consumers, and well-accepted by device/app providers

Key Mechanisms:



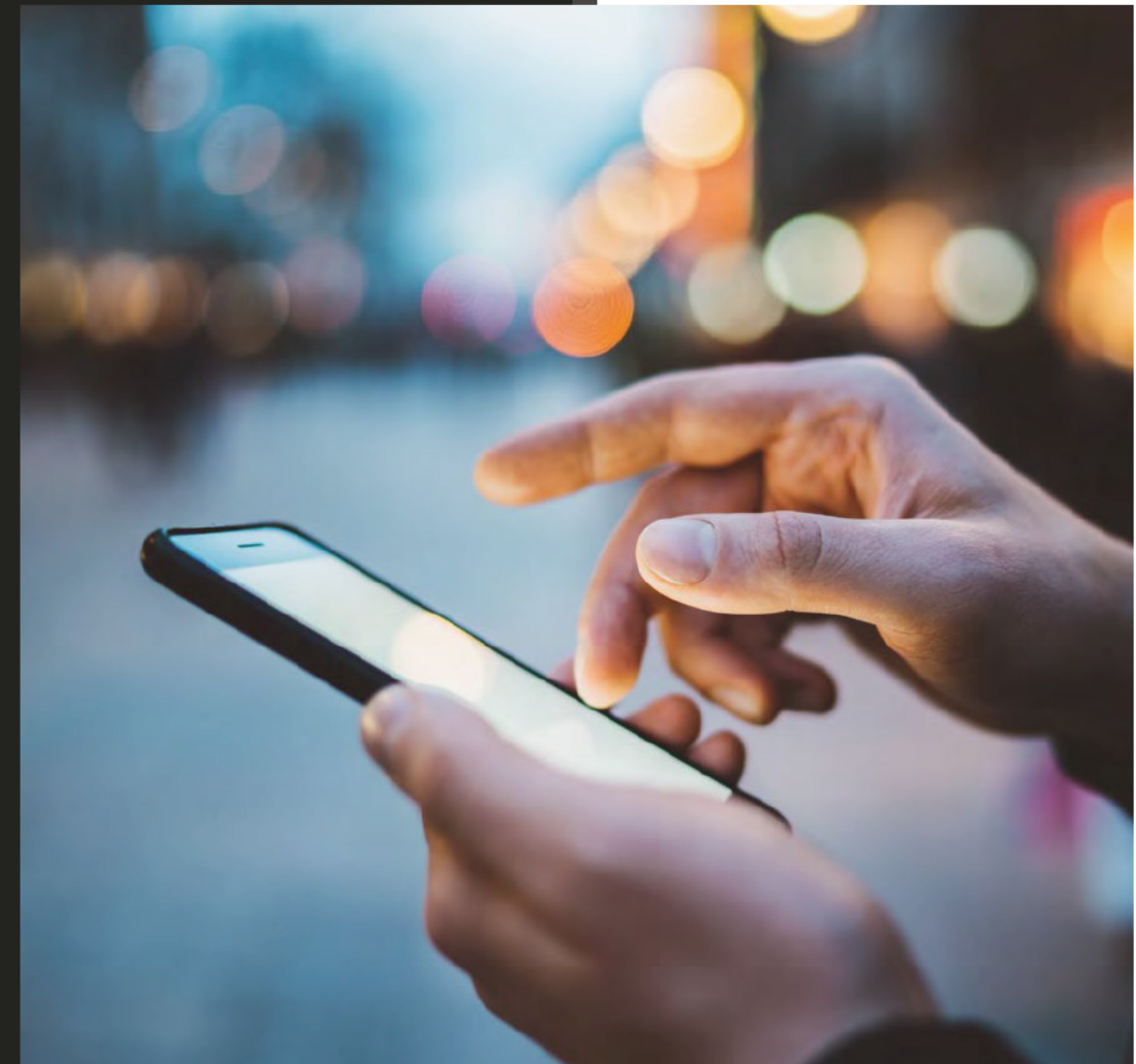
Web Browsers use digital signatures to authenticate websites and encryption to secure communications between web browsers and servers



App stores secure apps and app delivery through digital signatures



Video streaming apps secure content during transmission via encryption, including streamed content that is free to view



The ATSC 3.0 Standard Allows OTA Broadcasters to Offer Internet-Style Security Features for the First Time

As with Internet streaming services, both content providers and viewers will benefit from the improved trustworthiness of the OTA broadcast distribution channel



Signal Signing

ensures that the signal being received is from an FCC licensed broadcaster and the information received has not been tampered with



Broadcast Application Signing

prevents rogue malware from loading and executing on NEXTGEN TV devices



Content Security

utilizes similar encryption technology to that used by internet content services, including content that is free to view

Who We Are



Founded in 2019 to enable both the signal security and content security features of the ATSC 3 Standard-- including on upgrade accessories



Enabled the release of the first certified commercial devices in 2020, and millions more since then



Enabled the first signal and app signing in 2022, and encrypted broadcasts earlier this year

Members

CBS

Disney/ABC

Fox


NBCU


Univision

Pearl TV

Deployment Status — Receiver Types

 **CTA projects**
10million+ TVs total
sold by end of this year

 **3 upgrade accessory**
products (from ADTH/Tolka,
BitRouter, and Zinwell)
available soon

 **Many additional**
device makers in
development

Devices Released/Coming Soon



USB Dongles



STBs



HDMI Dongles



Gateways



Televisions

Add'l Feature Support Plans:




DVR (by EOY or early 2024)

Out of Home Viewing (during 2024)



Expect all spec and test
development to be completed by
EOY 2024

Coordination with CTA Logo Program

-  The CTA logo program has referenced A3SA and its encryption protocols since 2019
-  CTA logo applicants are expressly notified that ATSC 3.0 broadcasts may be encrypted pursuant to A3SA protocols, that viewers may be unable to view programming without the ability to decrypt, and that additional testing may be required
-  CTA logo applicants are required to certify that they have contacted A3SA

The Stage is Set for Closer Coordination


Both programs use the same test developer


Both programs use the same test runner software


Integrated testing will be relatively straightforward


Broadcast Encoding Rules


To provide extra reassurance for viewers of ATSC 3.0 content, A3SA has approved a set of “encoding rules” for encrypted broadcasts that are simulcast with ATSC 1.0 broadcasts


 Viewers must be allowed to decrypt and record these broadcasts even if they are using a less secure device that requires an internet connection

 Viewers must be allowed to make an unlimited number of copies of these broadcasts

 Such copies cannot have retention limits

 Viewers must be allowed to use “trick play” features such as pause, rewind, fast-forward, and ad-skipping

 Viewers must be allowed to use any authorized digital output (i.e., no selectable output control)

 Viewers must be allowed to use analog outputs to connect to legacy TVs (i.e., no prohibition or required down-resolution)

Thank you

Contact Information

ATSC 3.0 Security Authority LLC
3855 SW 153rd Ave.
Beaverton, OR 97003
info@a3sa.com








Appendix



Who We Are

The A3SA's Technical Contributors Working Group (TCWG) provides a forum for existing and future participants in the ATSC 3 ecosystem to contribute to the development of the ecosystem

-  **Receiver manufacturers**
-  **Broadcasters**
-  **Security vendors**
-  **Professional broadcast equipment manufacturers**
-  **Technical solution providers**

TCWG Participants

BitRouter

**Inca Networks Incorporated
dba WISI America**

Sony Electronics Inc.

CBS

LG Electronics U.S.A., Inc.

**Tolka Telecommunications
Corporation**

DigiCAP Co., Ltd

NBCUniversal

Disney

Nuvyyo, Inc

DTV Innovations, LLC

Pearl TV LLC

Fox

Samsung Electronics Co. Ltd.

Gray Media Group, Inc.

Sinclair Broadcast Group, Inc.

Adopter Licensees

BitRouter

DS Broadcast, Inc

Hisense USA Corp

iWedia S.A.

LG Electronics USA Inc.

LowasIS, Inc.

MediaTek Inc.

Nuvvyo, Inc.

Samsung Electronics Co., LTD

Sencore, Inc

Silicondust USA, Inc.

Sony Electronics Inc.

**Shenzhen TCL New
Technology Co., LTD**

**Tolka Telecommunications
Corporation**

Triveni Digital, Inc.

Zinwell Corporation

Broadcaster Licensees

ABC, Inc

Meredith Corporation

Univision Local Media, Inc

CBS Broadcasting Inc.

NBCUniversal Media, LLC

WPLG, Inc.

CMG Media Corporation

Nexstar Media, Inc.

Fox Television Holdings, LLC

NPG of California, LLC

Graham Media Group, Inc

Scripps Media, Inc.

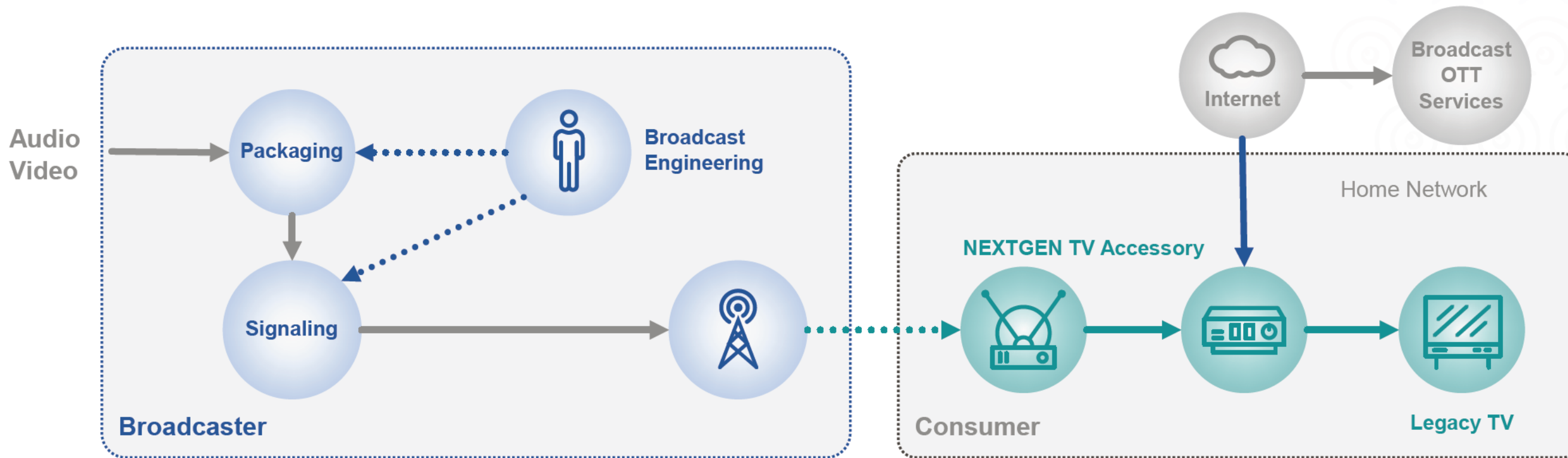
Gray Media Group, Inc.

Sinclair Broadcast Group, Inc.

Hearst Television, Inc

Tegna, Inc

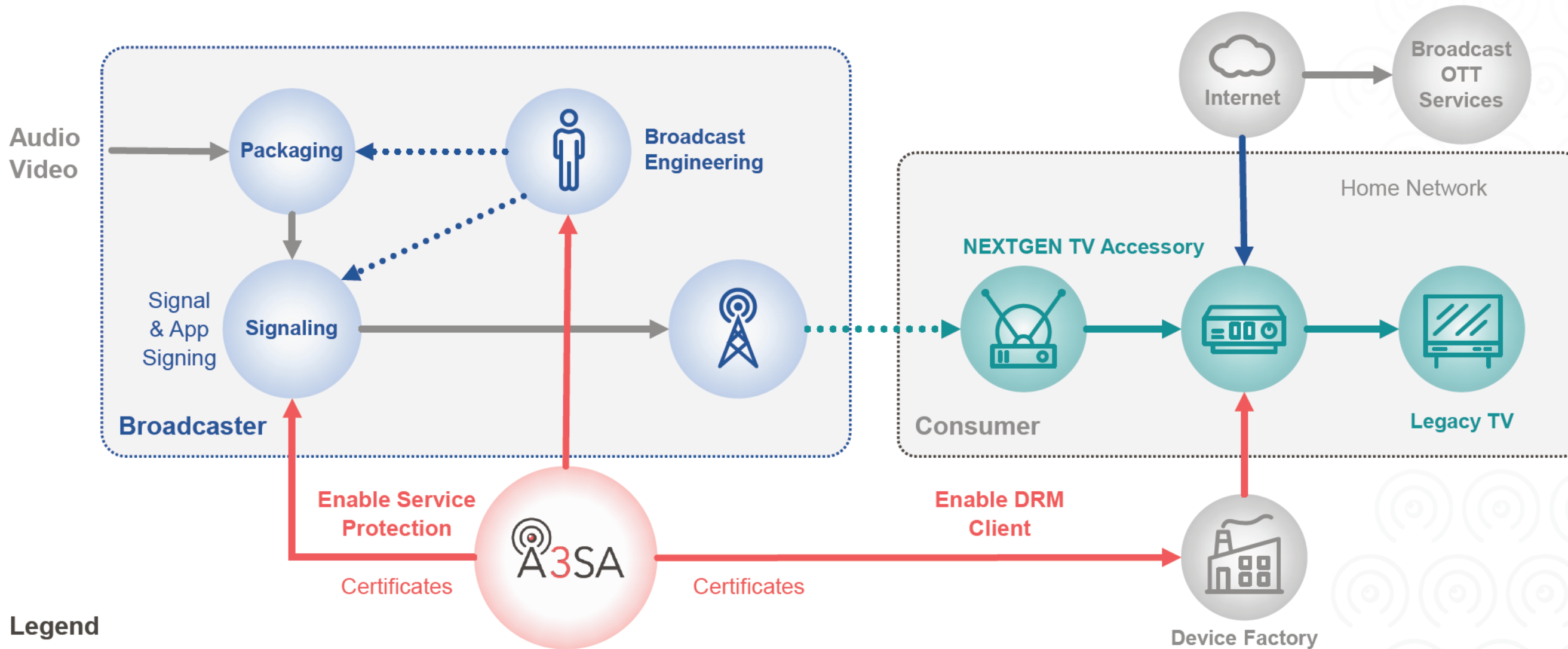
How It Works — Connected Mode



Legend

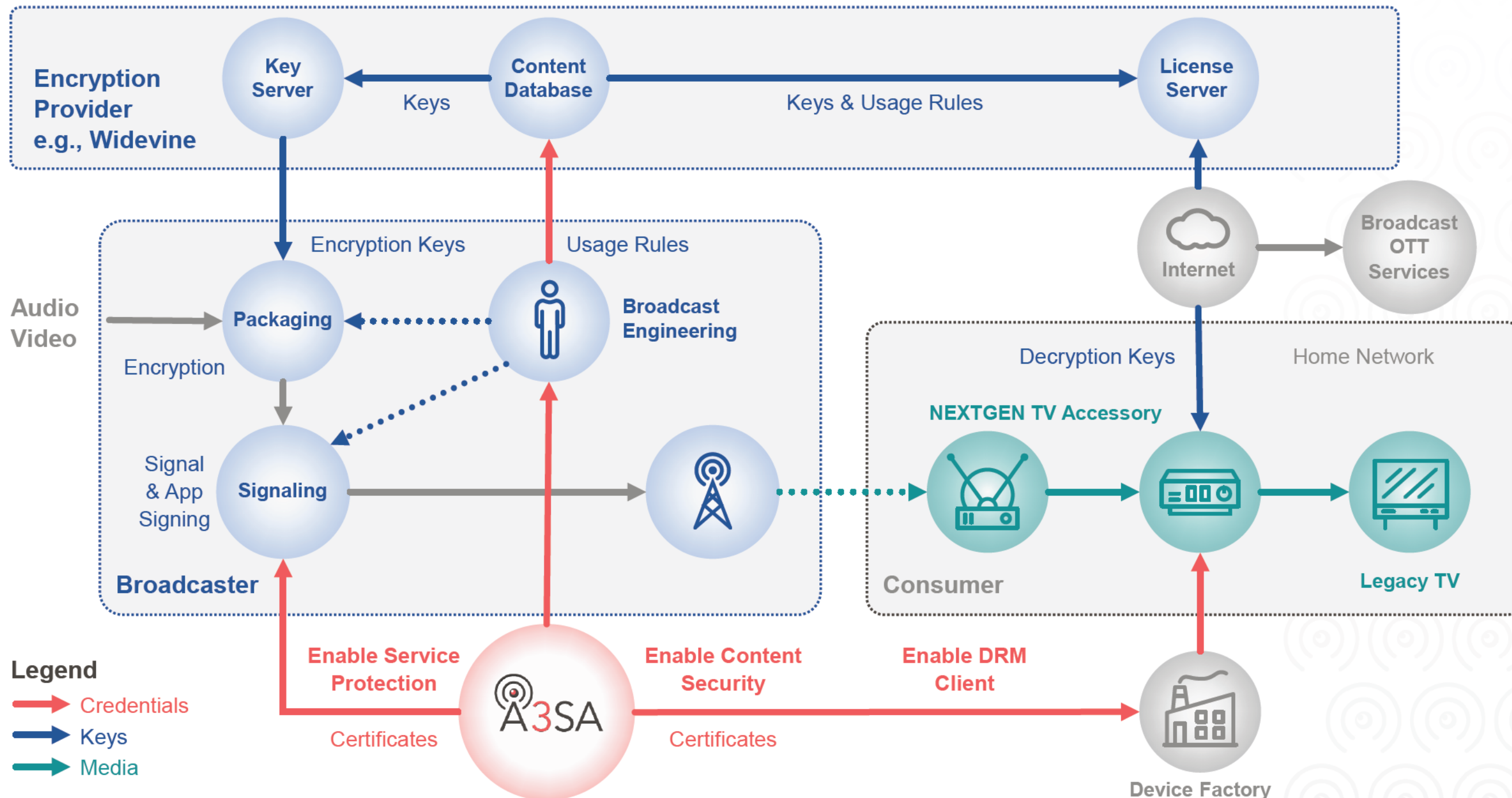
- ➔ Credentials
- ➔ Keys
- ➔ Media

How It Works — Connected Mode

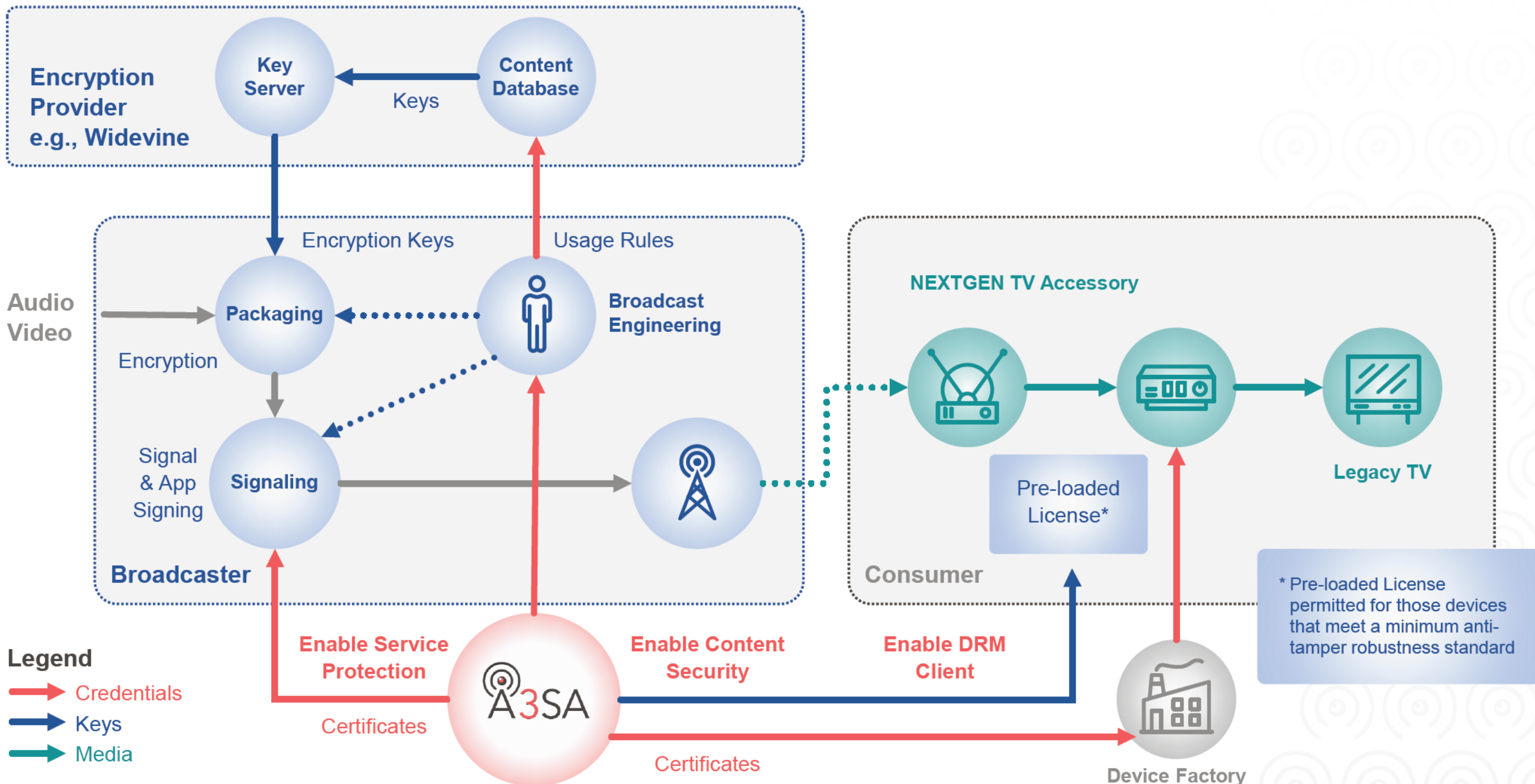


- Legend**
- ➔ Credentials
 - ➔ Keys
 - ➔ Media

How It Works — Connected Mode



How It Works — Unconnected Mode





January 17, 2025

Marlene H. Dortch
Secretary
Federal Communications Commission
45 L Street NE
Washington, D.C. 20554

Re: Notice of *Ex Parte* Communication, MB Docket No. 16-142

Dear Ms. Dortch:

In April 2023, Chairwoman Rosenworcel announced the formation of the Future of Television Initiative, a public-private initiative led by the National Association of Broadcasters (NAB) to guide the next steps of the transition to ATSC 3.0. The Future of Television Initiative gathered industry, government¹, and public interest stakeholders to work on a roadmap for the transition to ATSC 3.0.

NAB moderated monthly working group meetings from June 2023 through July 2024. During the meetings, participants were encouraged to identify issues they believe need to be addressed to ensure a smooth transition to ATSC 3.0. Working Group participants shared their viewpoints on such issues and worked to reach agreement or narrow the scope of disagreement and to make consensus recommendations on next steps where possible.

NAB is proud to submit the attached report, summarizing the discussions and progress made through the Future of Television Initiative. NAB expects that this report will provide the Commission with a better understanding of the remaining issues and concerns of stakeholders and put the Commission in a better position to continue with the rulemaking proceedings necessary to complete a successful transition to ATSC 3.0.

The broadcast industry looks forward to continuing to work with the Commission to advance the transition to ATSC 3.0 and deliver the myriad benefits unleashed by NEXTGEN TV to viewers.

Please direct any inquiries regarding this matter to the undersigned.

¹ Federal Communications Commission staff participated in the Working Groups but did not contribute to the preparation of this report.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Rick Kaplan", with a long horizontal line extending to the right.

Rick Kaplan
Chief Legal Officer and Executive Vice President,
Legal and Regulatory Affairs
National Association of Broadcasters

cc: Chairwoman Jessica Rosenworcel, Commissioner Brendan Carr, Commissioner
Geoffrey Starks, Commissioner Nathan Simington, Commissioner Anna Gomez

From: Erin Boone <Erin.Boone@fcc.gov>

To: Scott Delacourt <Scott.Delacourt@fcc.gov>

Subject: Fw: Andrew Manley and Emily Harrison Office Space

Date: Wed, 4 Jun 2025 14:31:35 +0000

Importance: Normal

Attachments: Office_use.docx

(b) (2), (b) (5)

Get [Outlook for iOS](#)

From: David Brown <David.Brown@fcc.gov>

Sent: Wednesday, June 4, 2025 10:16:37 AM

To: Erin Boone <Erin.Boone@fcc.gov>

Cc: Thomas Horan <Thomas.Horan@fcc.gov>; India Malcolm <India.Malcolm@fcc.gov>; Barbara Kreisman <Barbara.Kreisman@fcc.gov>

Subject: Andrew Manley and Emily Harrison Office Space

(b) (2), (b) (5)

From: Barbara Kreisman <Barbara.Kreisman@fcc.gov>

Sent: Wednesday, June 4, 2025 10:03 AM

To: David Brown <David.Brown@fcc.gov>; Emily Harrison <Emily.Harrison@fcc.gov>; Andrew Manley <Andrew.Manley@fcc.gov>

Subject: Draft

Also included as attachment

Media Bureau requests the following:

(b) (2), (b) (5)

Barbara Kreisman
Chief, Video Division
Media Bureau

Media Bureau requests the following:

(b) (2), (b) (5) [Redacted]

[Redacted]

[Redacted]

From: [Erin Boone](#)
To: [Benjamin Arden](#)
Subject: RE: Orders rescinding network complaint investigations
Date: Tuesday, January 21, 2025 4:10:00 PM

Thank you!

Erin Boone
Senior Counsel – Media & Enforcement
Office of FCC Chairman Brendan Carr
202-418-0736 | erin.boone@fcc.gov

From: Benjamin Arden <Benjamin.Arden@fcc.gov>
Sent: Tuesday, January 21, 2025 3:39 PM
To: Erin Boone <Erin.Boone@fcc.gov>
Subject: Re: Orders rescinding network complaint investigations

I sent you an email with all three PDFs. You should be able to just forward that to BC.

From: Erin Boone <Erin.Boone@fcc.gov>
Sent: Tuesday, January 21, 2025 3:23 PM
To: Benjamin Arden <Benjamin.Arden@fcc.gov>; Alexander Sanjenis <Alexander.Sanjenis@fcc.gov>
Subject: RE: Orders rescinding network complaint investigations

Thanks! I think all 3 are on there. Is there someone who can turn them into a pdf? I can ask Drema to help if not. I'm just drowning in meetings.

Erin Boone
Senior Counsel – Media & Enforcement
Office of FCC Chairman Brendan Carr
202-418-0736 | erin.boone@fcc.gov

From: Benjamin Arden <Benjamin.Arden@fcc.gov>
Sent: Tuesday, January 21, 2025 3:12 PM
To: Alexander Sanjenis <Alexander.Sanjenis@fcc.gov>; Erin Boone <Erin.Boone@fcc.gov>
Subject: Re: Orders rescinding network complaint investigations

Found it on their website.

From: Alexander Sanjenis <Alexander.Sanjenis@fcc.gov>
Sent: Tuesday, January 21, 2025 3:09 PM
To: Erin Boone <Erin.Boone@fcc.gov>; Benjamin Arden <Benjamin.Arden@fcc.gov>
Subject: RE: Orders rescinding network complaint investigations

From: Alexander Sanjenis
Sent: Tuesday, January 21, 2025 3:01 PM
To: Erin Boone <Erin.Boone@fcc.gov>; Benjamin Arden <Benjamin.Arden@fcc.gov>
Subject: RE: Orders rescinding network complaint investigations

I'll see if I can dig them up.
Erin,

(b) (5) are attached. I'm still looking for (b) (5) There decisions do not say where the complaints can be found, and they were not uploaded to ECFS.

From: Erin Boone <Erin.Boone@fcc.gov>
Sent: Tuesday, January 21, 2025 3:00 PM
To: Benjamin Arden <Benjamin.Arden@fcc.gov>; Alexander Sanjenis <Alexander.Sanjenis@fcc.gov>
Subject: FW: Orders rescinding network complaint investigations
Importance: High

Hey guys. Can one of you please send these to me so I can get them to him? Sorry I have 4 different meetings in the next hour. (b) (5)

Erin Boone
Senior Counsel – Media & Enforcement
Office of FCC Chairman Brendan Carr
202-418-0736 | erin.boone@fcc.gov

From: Brendan Carr <Brendan.Carr@fcc.gov>
Sent: Tuesday, January 21, 2025 2:58 PM
To: Erin Boone <Erin.Boone@fcc.gov>
Subject: RE: Orders rescinding network complaint investigations

Can you send me the underlying complaints / petitions filed in these three cases as PDF attachments to an email.

From: Erin Boone <Erin.Boone@fcc.gov>
Sent: Tuesday, January 21, 2025 10:24 AM
To: Brendan Carr <Brendan.Carr@fcc.gov>; Greg Watson <Gregory.Watson@fcc.gov>; Danielle Thumann <Danielle.Thumann@fcc.gov>; Arpan Sura <Arpan.Sura@fcc.gov>; Benjamin Arden <Benjamin.Arden@fcc.gov>
Subject: Orders rescinding network complaint investigations

Chairman –
Attached for your review are the three draft Orders (b) (5)

Thanks,

Erin Boone
erin.boone@fcc.gov

From: [Erin Boone](#)
To: [Alexander Sanjenis](#)
Subject: FW: Orders rescinding network complaint investigations
Date: Wednesday, January 22, 2025 2:01:00 PM
Attachments: [Draft WCBS 1.113 Order to BC 1.21.25.docx](#)
[Draft WPVI 1.113 Order to BC 1.21.25.docx](#)
[Draft WNBC 1.113 Order to BC 1.21.25.docx](#)

Erin Boone
Senior Counsel – Media & Enforcement
Office of FCC Chairman Brendan Carr
202-418-0736 | erin.boone@fcc.gov

From: Erin Boone
Sent: Wednesday, January 22, 2025 12:36 PM
To: Patrick Webre <Patrick.Webre@fcc.gov>
Subject: FW: Orders rescinding network complaint investigations

Here you go. BC is signed off.

Erin Boone
Senior Counsel – Media & Enforcement
Office of FCC Chairman Brendan Carr
202-418-0736 | erin.boone@fcc.gov

From: Erin Boone
Sent: Tuesday, January 21, 2025 10:24 AM
To: Brendan Carr <Brendan.Carr@fcc.gov>; Greg Watson <Gregory.Watson@fcc.gov>; Danielle Thumann <Danielle.Thumann@fcc.gov>; Arpan Sura <Arpan.Sura@fcc.gov>; Benjamin Arden <Benjamin.Arden@fcc.gov>
Subject: Orders rescinding network complaint investigations

Chairman –
Attached for your review are the three draft Orders (2 Enforcement, 1 Media) that rescind the Bureau-level Orders rejecting the network news complaints.

Thanks,

Erin Boone
erin.boone@fcc.gov

From: [Erin Boone](#)
To: [Alexander Sanienis](#)
Subject: FW: Media and Enforcement Bureau
Date: Wednesday, January 22, 2025 2:43:00 PM

Erin Boone
Senior Counsel – Media & Enforcement
Office of FCC Chairman Brendan Carr
202-418-0736 | erin.boone@fcc.gov

From: Rakesh Patel <Rakesh.Patel@fcc.gov>
Sent: Wednesday, January 22, 2025 2:34 PM
To: Patrick Webre <Patrick.Webre@fcc.gov>
Cc: Erin Boone <Erin.Boone@fcc.gov>
Subject: RE: Media and Enforcement Bureau

Great, we will communicate with OMR regarding the webpage.

Please see below.

Thanks,

Rakesh

DRAFT

(b) (5)
Formal Title: **(b) (5)**

Short Web Title: **(b) (5)**

Description: **(b) (5)**

(b) (5)
Formal Title: **(b) (5)**

Short Web Title: **(b) (5)**

Description: **(b) (5)**

From: Patrick Webre <Patrick.Webre@fcc.gov>
Sent: Wednesday, January 22, 2025 2:31 PM

To: Rakesh Patel <Rakesh.Patel@fcc.gov>
Cc: Erin Boone <Erin.Boone@fcc.gov>
Subject: RE: Media and Enforcement Bureau

Yes, please send them. I'm adding Erin for her review and sign off as well.

Also confirming that these two orders will go on our EB main webpage, not the FCC main page – and be consistent with our bureau level orders in the past.

Patrick Webre
Acting Chief, Enforcement Bureau

From: Rakesh Patel <Rakesh.Patel@fcc.gov>
Sent: Wednesday, January 22, 2025 2:28 PM
To: Patrick Webre <Patrick.Webre@fcc.gov>
Subject: RE: Media and Enforcement Bureau

Sounds good. We have drafted a headline and short titles. Do you want to take a look before OCH sends their versions?

My cell is (b) (6).

From: Patrick Webre <Patrick.Webre@fcc.gov>
Sent: Wednesday, January 22, 2025 2:25 PM
To: Rakesh Patel <Rakesh.Patel@fcc.gov>
Subject: RE: Media and Enforcement Bureau

Thanks. I think OCH will just send me the short titles they're using that we can base ours off of. What's the best number to reach you on? My personal mobile is (b) (6).

Patrick Webre
Acting Chief, Enforcement Bureau

From: Rakesh Patel <Rakesh.Patel@fcc.gov>
Sent: Wednesday, January 22, 2025 2:23 PM
To: Patrick Webre <Patrick.Webre@fcc.gov>
Subject: RE: Media and Enforcement Bureau

Perfect. Standing by.

We will need your signature on the documents. The signed versions will not be on the website, but we need the signature on the versions sent to the parties.

I will find out from Deborah if she can sign for you electronically.

From: Patrick Webre <Patrick.Webre@fcc.gov>
Sent: Wednesday, January 22, 2025 2:19 PM

To: Rakesh Patel <Rakesh.Patel@fcc.gov>
Subject: RE: Media and Enforcement Bureau

Erin will be sending me screen shots of how they want things entered into EDOCS. Please stand by.

Patrick Webre
Acting Chief, Enforcement Bureau

From: Patrick Webre
Sent: Wednesday, January 22, 2025 1:41 PM
To: Rakesh Patel <Rakesh.Patel@fcc.gov>
Subject: RE: Media and Enforcement Bureau

Rakesh,

Attached are the two items to get ready for a 3:00 release. Please let me know if you have any questions/concerns/edits. Please hold until OCH gives us the green light.

Patrick

From: Rakesh Patel <Rakesh.Patel@fcc.gov>
Sent: Wednesday, January 22, 2025 1:14 PM
To: Patrick Webre <Patrick.Webre@fcc.gov>
Subject: RE: Media and Enforcement Bureau

Patrick – will come over at 1:30.

We'll get the orders out. We'll need the legal advisors—have given them a heads up.

From: Patrick Webre <Patrick.Webre@fcc.gov>
Sent: Wednesday, January 22, 2025 1:10 PM
To: Rakesh Patel <Rakesh.Patel@fcc.gov>
Subject: RE: Media and Enforcement Bureau

Great. OCH would like us to get two one-page bureau level orders out at 3:00 p.m. today. They are already drafted and I've reviewed. Please come to my office at 1:30 so we can discuss. I'm in 5.236.

I'd like to engage the EB folks needed to assist with our release relatively soon as well.

Thanks.

Patrick Webre
Acting Chief, Enforcement Bureau

From: Rakesh Patel <Rakesh.Patel@fcc.gov>

Sent: Wednesday, January 22, 2025 12:55 PM
To: Patrick Webre <Patrick.Webre@fcc.gov>
Subject: RE: Media and Enforcement Bureau

Hi Patrick –

Yes, available and would be great to meet. I am in the office, can meet on the 5th floor or I can come to you.

I have a meeting from 1-1:30, but free after that until 4:00.

Thanks.

From: Patrick Webre <Patrick.Webre@fcc.gov>
Sent: Wednesday, January 22, 2025 12:50 PM
To: Rakesh Patel <Rakesh.Patel@fcc.gov>
Subject: RE: Media and Enforcement Bureau

Thanks Rakesh. If you're available this afternoon, I'd like to do a quick Teams to introduce myself and discuss a few items (unless you're in the office today and we could meet in person). Let me know what works for you.

Thanks.

Patrick

Patrick Webre
Acting Chief, Enforcement Bureau

From: Rakesh Patel <Rakesh.Patel@fcc.gov>
Sent: Wednesday, January 22, 2025 12:43 PM
To: Rosemary Harold <Rosemary.Harold@fcc.gov>; Brendan Carr <Brendan.Carr@fcc.gov>
Cc: Erin Boone <Erin.Boone@fcc.gov>; Patrick Webre <Patrick.Webre@fcc.gov>
Subject: RE: Media and Enforcement Bureau

Will do—and thank you.

Rakesh

From: Rosemary Harold <Rosemary.Harold@fcc.gov>
Sent: Wednesday, January 22, 2025 12:35 PM
To: Brendan Carr <Brendan.Carr@fcc.gov>; Rakesh Patel <Rakesh.Patel@fcc.gov>
Cc: Erin Boone <Erin.Boone@fcc.gov>; Patrick Webre <Patrick.Webre@fcc.gov>
Subject: RE: Media and Enforcement Bureau

Got it – and thanks.

Rosemary

From: Brendan Carr <Brendan.Carr@fcc.gov>
Sent: Wednesday, January 22, 2025 12:33 PM
To: Rakesh Patel <Rakesh.Patel@fcc.gov>; Rosemary Harold <Rosemary.Harold@fcc.gov>
Cc: Erin Boone <Erin.Boone@fcc.gov>; Patrick Webre <Patrick.Webre@fcc.gov>
Subject: Media and Enforcement Bureau

Hi Rakesh and Rosemary,

Wanted to give you all a heads up that Erin is now Acting Chief of the Media Bureau and Patrick is now Acting Chief of the Enforcement Bureau.

We will be putting out a public announcement on this soon, but wanted to get this information over to you two now.

There will be some bureau-level releases from them as acting bureau chiefs today. So please help ensure that we get those out the door today.

Much appreciated!

- Brendan

Brendan Carr
Chairman
Federal Communications Commission

From: [Erin Boone](#)
To: [Patrick Webre](#); [Rakesh Patel](#)
Subject: RE: Media and Enforcement Bureau
Date: Wednesday, January 22, 2025 2:53:00 PM

That's correct. And I just confirmed sign off right at 3 pm. Thanks for the quick work on this!

Erin Boone
Senior Counsel – Media & Enforcement
Office of FCC Chairman Brendan Carr
202-418-0736 | erin.boone@fcc.gov

From: Patrick Webre <Patrick.Webre@fcc.gov>
Sent: Wednesday, January 22, 2025 2:50 PM
To: Rakesh Patel <Rakesh.Patel@fcc.gov>; Erin Boone <Erin.Boone@fcc.gov>
Subject: RE: Media and Enforcement Bureau

Confirming that we should not insert a docket number into EDOCS so that the old title doesn't get populated.

Patrick Webre
Acting Chief, Enforcement Bureau

From: Rakesh Patel <Rakesh.Patel@fcc.gov>
Sent: Wednesday, January 22, 2025 2:49 PM
To: Erin Boone <Erin.Boone@fcc.gov>; Patrick Webre <Patrick.Webre@fcc.gov>
Subject: RE: Media and Enforcement Bureau

Thanks, Erin. We will move this forward. And we have made clear to OMR, EB webpage only.

Rakesh

From: Erin Boone <Erin.Boone@fcc.gov>
Sent: Wednesday, January 22, 2025 2:46 PM
To: Rakesh Patel <Rakesh.Patel@fcc.gov>; Patrick Webre <Patrick.Webre@fcc.gov>
Subject: RE: Media and Enforcement Bureau
Importance: High

Thanks Rakesh and Patrick, please see revised.

Formal Title: (b) (5)

Short Web Title: (b) (5)

Description: (b) (5)

Please format the second one accordingly. Do not insert a docket number in EDOCs.

Erin Boone
Senior Counsel – Media & Enforcement
Office of FCC Chairman Brendan Carr
202-418-0736 | erin.boone@fcc.gov

From: Rakesh Patel <Rakesh.Patel@fcc.gov>
Sent: Wednesday, January 22, 2025 2:34 PM
To: Patrick Webre <Patrick.Webre@fcc.gov>
Cc: Erin Boone <Erin.Boone@fcc.gov>
Subject: RE: Media and Enforcement Bureau

Great, we will communicate with OMR regarding the webpage.

Please see below.

Thanks,

Rakesh

DRAFT

(b) (5)
Formal Title: (b) (5)

Short Web Title: (b) (5)

Description: (b) (5)

(b) (5)
Formal Title: (b) (5)

Short Web Title: (b) (5)

Description: (b) (5)

From: Patrick Webre <Patrick.Webre@fcc.gov>
Sent: Wednesday, January 22, 2025 2:31 PM
To: Rakesh Patel <Rakesh.Patel@fcc.gov>
Cc: Erin Boone <Erin.Boone@fcc.gov>
Subject: RE: Media and Enforcement Bureau

Yes, please send them. I'm adding Erin for her review and sign off as well.

Also confirming that these two orders will go on our EB main webpage, not the FCC main page – and be consistent with our bureau level orders in the past.

Patrick Webre
Acting Chief, Enforcement Bureau

From: Rakesh Patel <Rakesh.Patel@fcc.gov>
Sent: Wednesday, January 22, 2025 2:28 PM
To: Patrick Webre <Patrick.Webre@fcc.gov>
Subject: RE: Media and Enforcement Bureau

Sounds good. We have drafted a headline and short titles. Do you want to take a look before OCH sends their versions?

My cell is (b) (6).

From: Patrick Webre <Patrick.Webre@fcc.gov>
Sent: Wednesday, January 22, 2025 2:25 PM
To: Rakesh Patel <Rakesh.Patel@fcc.gov>
Subject: RE: Media and Enforcement Bureau

Thanks. I think OCH will just send me the short titles they're using that we can base ours off of. What's the best number to reach you on? My personal mobile is (b) (6).

Patrick Webre
Acting Chief, Enforcement Bureau

From: Rakesh Patel <Rakesh.Patel@fcc.gov>
Sent: Wednesday, January 22, 2025 2:23 PM
To: Patrick Webre <Patrick.Webre@fcc.gov>
Subject: RE: Media and Enforcement Bureau

Perfect. Standing by.

We will need your signature on the documents. The signed versions will not be on the website, but we need the signature on the versions sent to the parties.

I will find out from Deborah if she can sign for you electronically.

From: Patrick Webre <Patrick.Webre@fcc.gov>
Sent: Wednesday, January 22, 2025 2:19 PM
To: Rakesh Patel <Rakesh.Patel@fcc.gov>
Subject: RE: Media and Enforcement Bureau

Erin will be sending me screen shots of how they want things entered into EDOCS. Please stand by.

Patrick Webre
Acting Chief, Enforcement Bureau

From: Patrick Webre
Sent: Wednesday, January 22, 2025 1:41 PM
To: Rakesh Patel <Rakesh.Patel@fcc.gov>
Subject: RE: Media and Enforcement Bureau

Rakesh,

Attached are the two items to get ready for a 3:00 release. Please let me know if you have any questions/concerns/edits. Please hold until OCH gives us the green light.

Patrick

From: Rakesh Patel <Rakesh.Patel@fcc.gov>
Sent: Wednesday, January 22, 2025 1:14 PM
To: Patrick Webre <Patrick.Webre@fcc.gov>
Subject: RE: Media and Enforcement Bureau

Patrick – will come over at 1:30.

We'll get the orders out. We'll need the legal advisors—have given them a heads up.

From: Patrick Webre <Patrick.Webre@fcc.gov>
Sent: Wednesday, January 22, 2025 1:10 PM
To: Rakesh Patel <Rakesh.Patel@fcc.gov>
Subject: RE: Media and Enforcement Bureau

Great. OCH would like us to get two one-page bureau level orders out at 3:00 p.m. today. They are already drafted and I've reviewed. Please come to my office at 1:30 so we can discuss. I'm in 5.236.

I'd like to engage the EB folks needed to assist with our release relatively soon as well.

Thanks.

Patrick Webre
Acting Chief, Enforcement Bureau

From: Rakesh Patel <Rakesh.Patel@fcc.gov>
Sent: Wednesday, January 22, 2025 12:55 PM
To: Patrick Webre <Patrick.Webre@fcc.gov>
Subject: RE: Media and Enforcement Bureau

Hi Patrick –

Yes, available and would be great to meet. I am in the office, can meet on the 5th floor or I can come to you.

I have a meeting from 1-1:30, but free after that until 4:00.

Thanks.

From: Patrick Webre <Patrick.Webre@fcc.gov>
Sent: Wednesday, January 22, 2025 12:50 PM
To: Rakesh Patel <Rakesh.Patel@fcc.gov>
Subject: RE: Media and Enforcement Bureau

Thanks Rakesh. If you're available this afternoon, I'd like to do a quick Teams to introduce myself and discuss a few items (unless you're in the office today and we could meet in person). Let me know what works for you.

Thanks.

Patrick

Patrick Webre
Acting Chief, Enforcement Bureau

From: Rakesh Patel <Rakesh.Patel@fcc.gov>
Sent: Wednesday, January 22, 2025 12:43 PM
To: Rosemary Harold <Rosemary.Harold@fcc.gov>; Brendan Carr <Brendan.Carr@fcc.gov>
Cc: Erin Boone <Erin.Boone@fcc.gov>; Patrick Webre <Patrick.Webre@fcc.gov>
Subject: RE: Media and Enforcement Bureau

Will do—and thank you.

Rakesh

From: Rosemary Harold <Rosemary.Harold@fcc.gov>
Sent: Wednesday, January 22, 2025 12:35 PM
To: Brendan Carr <Brendan.Carr@fcc.gov>; Rakesh Patel <Rakesh.Patel@fcc.gov>
Cc: Erin Boone <Erin.Boone@fcc.gov>; Patrick Webre <Patrick.Webre@fcc.gov>
Subject: RE: Media and Enforcement Bureau

Got it – and thanks.

Rosemary

From: Brendan Carr <Brendan.Carr@fcc.gov>
Sent: Wednesday, January 22, 2025 12:33 PM
To: Rakesh Patel <Rakesh.Patel@fcc.gov>; Rosemary Harold <Rosemary.Harold@fcc.gov>

Cc: Erin Boone <Erin.Boone@fcc.gov>; Patrick Webre <Patrick.Webre@fcc.gov>

Subject: Media and Enforcement Bureau

Hi Rakesh and Rosemary,

Wanted to give you all a heads up that Erin is now Acting Chief of the Media Bureau and Patrick is now Acting Chief of the Enforcement Bureau.

We will be putting out a public announcement on this soon, but wanted to get this information over to you two now.

There will be some bureau-level releases from them as acting bureau chiefs today. So please help ensure that we get those out the door today.

Much appreciated!

- Brendan

Brendan Carr
Chairman
Federal Communications Commission

From: [Erin Boone](#)
To: [Rakesh Patel](#); [Patrick Webre](#)
Subject: RE: Media and Enforcement Bureau
Date: Wednesday, January 22, 2025 3:12:00 PM

Hi Rakesh,
Did the EB items get posted yet?

Erin Boone
Senior Counsel – Media & Enforcement
Office of FCC Chairman Brendan Carr
202-418-0736 | erin.boone@fcc.gov

From: Rakesh Patel <Rakesh.Patel@fcc.gov>
Sent: Wednesday, January 22, 2025 2:49 PM
To: Erin Boone <Erin.Boone@fcc.gov>; Patrick Webre <Patrick.Webre@fcc.gov>
Subject: RE: Media and Enforcement Bureau

Thanks, Erin. We will move this forward. And we have made clear to OMR, EB webpage only.

Rakesh

From: Erin Boone <Erin.Boone@fcc.gov>
Sent: Wednesday, January 22, 2025 2:46 PM
To: Rakesh Patel <Rakesh.Patel@fcc.gov>; Patrick Webre <Patrick.Webre@fcc.gov>
Subject: RE: Media and Enforcement Bureau
Importance: High

Thanks Rakesh and Patrick, please see revised.

Formal Title: (b) (5)

Short Web Title: (b) (5)

Description: (b) (5)

Please format the second one accordingly. Do not insert a docket number in EDOCs.

Erin Boone
Senior Counsel – Media & Enforcement
Office of FCC Chairman Brendan Carr
202-418-0736 | erin.boone@fcc.gov

From: Rakesh Patel <Rakesh.Patel@fcc.gov>
Sent: Wednesday, January 22, 2025 2:34 PM
To: Patrick Webre <Patrick.Webre@fcc.gov>

Cc: Erin Boone <Erin.Boone@fcc.gov>
Subject: RE: Media and Enforcement Bureau

Great, we will communicate with OMR regarding the webpage.

Please see below.

Thanks,

Rakesh

DRAFT

(b) (5)

Formal Title: (b) (5)

Short Web Title: (b) (5)

Description: (b) (5)

(b) (5)

Formal Title: (b) (5)

Short Web Title: (b) (5)

Description: (b) (5)

From: Patrick Webre <Patrick.Webre@fcc.gov>

Sent: Wednesday, January 22, 2025 2:31 PM

To: Rakesh Patel <Rakesh.Patel@fcc.gov>

Cc: Erin Boone <Erin.Boone@fcc.gov>

Subject: RE: Media and Enforcement Bureau

Yes, please send them. I'm adding Erin for her review and sign off as well.

Also confirming that these two orders will go on our EB main webpage, not the FCC main page – and be consistent with our bureau level orders in the past.

Patrick Webre
Acting Chief, Enforcement Bureau

From: Rakesh Patel <Rakesh.Patel@fcc.gov>

Sent: Wednesday, January 22, 2025 2:28 PM

To: Patrick Webre <Patrick.Webre@fcc.gov>

Subject: RE: Media and Enforcement Bureau

Sounds good. We have drafted a headline and short titles. Do you want to take a look before OCH sends their versions?

My cell is (b) (6).

From: Patrick Webre <Patrick.Webre@fcc.gov>
Sent: Wednesday, January 22, 2025 2:25 PM
To: Rakesh Patel <Rakesh.Patel@fcc.gov>
Subject: RE: Media and Enforcement Bureau

Thanks. I think OCH will just send me the short titles they're using that we can base ours off of. What's the best number to reach you on? My personal mobile is (b) (6).

Patrick Webre
Acting Chief, Enforcement Bureau

From: Rakesh Patel <Rakesh.Patel@fcc.gov>
Sent: Wednesday, January 22, 2025 2:23 PM
To: Patrick Webre <Patrick.Webre@fcc.gov>
Subject: RE: Media and Enforcement Bureau

Perfect. Standing by.

We will need your signature on the documents. The signed versions will not be on the website, but we need the signature on the versions sent to the parties.

I will find out from Deborah if she can sign for you electronically.

From: Patrick Webre <Patrick.Webre@fcc.gov>
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Subject: RE: Media and Enforcement Bureau

Erin will be sending me screen shots of how they want things entered into EDOCS. Please stand by.

Patrick Webre
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From: Patrick Webre
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Patrick

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Subject: RE: Media and Enforcement Bureau

Patrick – will come over at 1:30.

We'll get the orders out. We'll need the legal advisors—have given them a heads up.

From: Patrick Webre <Patrick.Webre@fcc.gov>
Sent: Wednesday, January 22, 2025 1:10 PM
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I'd like to engage the EB folks needed to assist with our release relatively soon as well.

Thanks.

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From: Rakesh Patel <Rakesh.Patel@fcc.gov>
Sent: Wednesday, January 22, 2025 12:55 PM
To: Patrick Webre <Patrick.Webre@fcc.gov>
Subject: RE: Media and Enforcement Bureau

Hi Patrick –

Yes, available and would be great to meet. I am in the office, can meet on the 5th floor or I can come to you.

I have a meeting from 1-1:30, but free after that until 4:00.

Thanks.

From: Patrick Webre <Patrick.Webre@fcc.gov>
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Subject: RE: Media and Enforcement Bureau

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Thanks.

Patrick

Patrick Webre
Acting Chief, Enforcement Bureau

From: Rakesh Patel <Rakesh.Patel@fcc.gov>
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Cc: Erin Boone <Erin.Boone@fcc.gov>; Patrick Webre <Patrick.Webre@fcc.gov>
Subject: RE: Media and Enforcement Bureau

Will do—and thank you.

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To: Brendan Carr <Brendan.Carr@fcc.gov>; Rakesh Patel <Rakesh.Patel@fcc.gov>
Cc: Erin Boone <Erin.Boone@fcc.gov>; Patrick Webre <Patrick.Webre@fcc.gov>
Subject: RE: Media and Enforcement Bureau

Got it – and thanks.

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From: Brendan Carr <Brendan.Carr@fcc.gov>
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To: Rakesh Patel <Rakesh.Patel@fcc.gov>; Rosemary Harold <Rosemary.Harold@fcc.gov>
Cc: Erin Boone <Erin.Boone@fcc.gov>; Patrick Webre <Patrick.Webre@fcc.gov>
Subject: Media and Enforcement Bureau

Hi Rakesh and Rosemary,

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We will be putting out a public announcement on this soon, but wanted to get this information over to you two now.

There will be some bureau-level releases from them as acting bureau chiefs today. So please help ensure that we get those out the door today.

Much appreciated!

- Brendan

Brendan Carr
Chairman
Federal Communications Commission

From: [Erin Boone](#)
To: [Will Wiquist](#)
Subject: RE: Letters
Date: Wednesday, January 22, 2025 3:40:00 PM

Thanks!!!

Erin Boone
Senior Counsel – Media & Enforcement
Office of FCC Chairman Brendan Carr
202-418-0736 | erin.boone@fcc.gov

From: Will Wiquist <Will.Wiquist@fcc.gov>
Sent: Wednesday, January 22, 2025 3:39 PM
To: Erin Boone <Erin.Boone@fcc.gov>
Subject: RE: Letters

Hey there – here are the pdf links. We’re working with the web team to get the bureau headlines in order

WCBS: <https://docs.fcc.gov/public/attachments/DA-25-85A1.pdf>

WPVI: <https://docs.fcc.gov/public/attachments/DA-25-84A1.pdf>

WNBC: <https://docs.fcc.gov/public/attachments/DA-25-83A1.pdf>

From: Erin Boone <Erin.Boone@fcc.gov>
Sent: Wednesday, January 22, 2025 3:32 PM
To: Will Wiquist <Will.Wiquist@fcc.gov>
Subject: Letters

Hi Will,

Can you please send me links to all three letter orders that went out under EB and Media just a few minutes ago? I’ve only seen one from EB. Thanks!

Erin Boone
Senior Counsel – Media & Enforcement
Office of FCC Chairman Brendan Carr
202-418-0736 | erin.boone@fcc.gov

From: [Erin Boone](#)
To: [Brendan Carr](#); [Greg Watson](#)
Subject: FW: Letters
Date: Wednesday, January 22, 2025 3:39:00 PM

Erin Boone
Senior Counsel – Media & Enforcement
Office of FCC Chairman Brendan Carr
202-418-0736 | erin.boone@fcc.gov

From: Will Wiquist <Will.Wiquist@fcc.gov>
Sent: Wednesday, January 22, 2025 3:39 PM
To: Erin Boone <Erin.Boone@fcc.gov>
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Erin Boone
Senior Counsel – Media & Enforcement
Office of FCC Chairman Brendan Carr
202-418-0736 | erin.boone@fcc.gov

From: [Erin Boone](#)
To: [Alexander Sanjenis](#)
Subject: RE: Record 409089 Released
Date: Wednesday, January 22, 2025 3:42:00 PM

TY!

Erin Boone
Senior Counsel – Media & Enforcement
Office of FCC Chairman Brendan Carr
202-418-0736 | erin.boone@fcc.gov

From: Alexander Sanjenis <Alexander.Sanjenis@fcc.gov>
Sent: Wednesday, January 22, 2025 3:39 PM
To: Erin Boone <Erin.Boone@fcc.gov>
Subject: RE: Record 409089 Released

All three are here:

<https://www.fcc.gov/edocs/search-results?t=quick&releasedDate=20250122>

From: Erin Boone <Erin.Boone@fcc.gov>
Sent: Wednesday, January 22, 2025 3:29 PM
To: Alexander Sanjenis <Alexander.Sanjenis@fcc.gov>
Subject: FW: Record 409089 Released

From: Will Wiquist <Will.Wiquist@fcc.gov>
Sent: Wednesday, January 22, 2025 3:22 PM
To: EDOCSHELP <EDOCShelp@fcc.gov>; OMR EDOCS Team <OMREDOCSTeam@fcc.gov>; Michael Antonino <Michael.Antonino@fcc.gov>; Ryan McDonald <Ryan.McDonald@fcc.gov>; Jaime McCoy <Jaime.McCoy@fcc.gov>
Cc: Terrell Richardson <Terrell.Richardson@fcc.gov>; Makia Day <Makia.Day@fcc.gov>; Victoria Randazzo <Victoria.Randazzo@fcc.gov>; Patrick Webre <Patrick.Webre@fcc.gov>; Rakesh Patel <Rakesh.Patel@fcc.gov>
Subject: RE: Record 409089 Released

+Patrick & Rakesh

From: IT Service Desk <EDOCShelp@fcc.gov>
Sent: Wednesday, January 22, 2025 3:19 PM
To: OMR EDOCS Team <OMREDOCSTeam@fcc.gov>; Michael Antonino <Michael.Antonino@fcc.gov>; Ryan McDonald <Ryan.McDonald@fcc.gov>; Jaime McCoy

<Jaime.McCoy@fcc.gov>

Cc: OMR EDOCS Team <OMREDOCSTeam@fcc.gov>; EDOCSHELP <EDOCShelp@fcc.gov>; Terrell Richardson <Terrell.Richardson@fcc.gov>; Makia Day <Makia.Day@fcc.gov>; Victoria Randazzo <Victoria.Randazzo@fcc.gov>; Michael Antonino <Michael.Antonino@fcc.gov>

Subject: Record 409089 Released

The link(s) for the document are as follows: [DA-25-85A1.docx](#) , [DA-25-85A1.pdf](#) , [DA-25-85A1.txt](#)

Link(s) are now publicly available.

IMMEDIATE RELEASE

Rec ID: 409089

Document Type: ORDER (Text)

Formal Title: News Distortion Complaint Involving CBS Broadcasting Inc., licensee of WCBS, New York, NY

Short Web Title: Complaint Involving CBS Broadcasting Inc., licensee of WCBS, NY, NY

FCC Record Case Name: Complaint Involving CBS Broadcasting Inc., licensee of WCBS, NY, NY

Description: The Enforcement Bureau sets aside its prior Letter Order in this proceeding.

Request DA: false

DA Number: 25-85

Authority: Acting Chief, Enforcement Bureau

Not for Digest: false

Regulatory Flexibility Analysis Done?: false

Document Status: Included in Daily Digest

Release date: 2025-01-22

Digest date: 2025-01-22

Adopted date: 2025-01-22

Entered By: Jaime.McCoy

Updated: 2025-01-22 15:18:41

Updated By: Ismari.Cueto

HEADLINE

Headline on FCC Home Page: false

Headline on Bureau Home Page(s): Enforcement Bureau


DOCKET/RM NUMBER

Docket/RM Numbers:

This message is automatically generated by the EDOCS application.

From: [Erin Boone](#)
To: [Drema Johnson](#)
Subject: RE: [EXTERNAL]: Salem Media Greetings, Introduction, and Meeting Request
Date: Tuesday, January 28, 2025 10:46:00 AM
Attachments: [image001.png](#)


(b) (5)



Erin Boone
Senior Counsel – Media & Enforcement
Office of FCC Chairman Brendan Carr
202-418-0736 | erin.boone@fcc.gov

From: Drema Johnson <Drema.Johnson@fcc.gov>
Sent: Tuesday, January 28, 2025 9:13 AM
To: Erin Boone <Erin.Boone@fcc.gov>
Subject: RE: [EXTERNAL]: Salem Media Greetings, Introduction, and Meeting Request

(b) (5)



Thanks, Drema

From: Erin Boone <Erin.Boone@fcc.gov>
Sent: Monday, January 27, 2025 5:56 PM
To: Drema Johnson <Drema.Johnson@fcc.gov>
Subject: FW: [EXTERNAL]: Salem Media Greetings, Introduction, and Meeting Request

Did he express any interest in taking this meeting on Feb 12? It sounds like they already hit you up?

Erin Boone
Senior Counsel – Media & Enforcement
Office of FCC Chairman Brendan Carr
202-418-0736 | erin.boone@fcc.gov

From: Nic Anderson <Nic.anderson@salemmedia.com>
Sent: Monday, January 27, 2025 4:57 PM
To: Erin Boone <Erin.Boone@fcc.gov>
Subject: [EXTERNAL]: Salem Media Greetings, Introduction, and Meeting Request

You don't often get email from nic.anderson@salemmedia.com. [Learn why this is important](#)

CAUTION: This email originated from outside of the Federal Communications Commission. Do not click on links or

open attachments unless you recognize the sender and trust the content to be safe. If you suspect this is a phishing attempt, please use the 'Report Message' feature in Microsoft Outlook or forward the email to the NSOC.

Dear Erin,

Good Thursday to you! My name is Nic Anderson, and I am privileged to serve as Vice President of Government Affairs for Salem Media Group. Rick Kaplan at the NAB kindly shared your contact information with me, as I also serve on the NAB Radio Board and NAB Joint Board of Directors. While I've reached out to Drema Johnson a few times over the past couple of weeks, Rick recommended I contact you directly given your new leadership role within the Media Bureau.

If you're unfamiliar with Salem Media Group, here's a brief overview: Salem owns and operates 82 radio stations nationwide, focusing exclusively on conservative news/talk and Christian teaching/talk formats. We also syndicate *Salem Radio Network (SRN)* programming to nearly 3,100 stations, featuring prominent shows like *The Dennis Prager Show*, *The Hugh Hewitt Show*, *The Charlie Kirk Show*, *The Larry Elder Show*, and *SRN News*. Under SRN, we also operate the Salem Podcast Network, which features prominent hosts such as *Charlie Kirk*, *Trish Regan*, *Lara Trump*, and *Dinesh D'Souza*. Beyond radio, Salem has a strong digital and video presence, owning platforms such as *Townhall*, *HotAir*, *PJMedia*, and *RedState*, as well as video outlets like the *Salem News Channel (SNC)*, a 24/7 streaming network, and *SalemNow*, an on-demand video platform.

As an organization, Salem deeply values Chairman Carr's steadfast dedication to the Commission. We greatly appreciate his consistent efforts to champion local radio, protect the First Amendment, and hold Big Tech accountable. We are enthusiastic about another four years with President Trump in the White House and an FCC Commission led by Chairman Carr.

My initial request to Ms. Johnson was to arrange a meeting with Chairman Carr during our upcoming trip to Washington, D.C., for the NAB Board Meetings, specifically the morning of Wednesday, February 12. While I've had the pleasure of meeting Chairman Carr at past events, our CEO, David Santrella, has not, and he has specifically requested this opportunity. Additionally, late last week, Salem's Co-founder and Executive Chairman of the Board, Edward Atsinger, expressed interest in meeting with Chairman Carr as well, if his schedule permits. Both Ed and Dave are based in Camarillo, California, and while Ed has not yet met the Chairman in person, I understand they recently connected by phone.

I fully understand that this request comes at a time of significant transition. However, having both Dave and potentially Ed in Washington is rare, and I want to make the most of this opportunity. A meeting with Chairman Carr remains at the top of our list.

Thank you in advance for considering this request, and please let me know if I can provide any additional details to facilitate scheduling.

Nic

Nic Anderson
Vice President, Government Affairs
CELL/TEXT (b) (6)
MAIL Nic.Anderson@SalemMedia.com
LINKEDIN www.linkedin.com/in/nicholaspanderson



NAB Radio Board Member Representing District 21:
Minnesota | North Dakota | South Dakota

From: [Erin Boone](#)
To: [Greg Watson](#)
Subject: FW: FCC - Letter of Inquiry - EB-IHD-25-00037871, CBS Broadcasting Inc.
Date: Wednesday, January 29, 2025 5:49:00 PM
Attachments: [CBS LOI-File No. EB-IHD-25-00037871.pdf](#)

Erin Boone
Senior Counsel – Media & Enforcement
Office of FCC Chairman Brendan Carr
Acting Chief, Media Bureau
202-418-0736 | erin.boone@fcc.gov

From: Erin Boone
Sent: Wednesday, January 29, 2025 3:36 PM
To: Brendan Carr <Brendan.Carr@fcc.gov>
Subject: FW: FCC - Letter of Inquiry - EB-IHD-25-00037871, CBS Broadcasting Inc.

FYI.

Erin Boone
Senior Counsel – Media & Enforcement
Office of FCC Chairman Brendan Carr
Acting Chief, Media Bureau
202-418-0736 | erin.boone@fcc.gov

From: Christopher Sova <Christopher.Sova@fcc.gov>
Sent: Wednesday, January 29, 2025 3:20 PM
To: Erin Boone <Erin.Boone@fcc.gov>; Patrick Webre <Patrick.Webre@fcc.gov>; Rakesh Patel <Rakesh.Patel@fcc.gov>
Cc: Phillip Rosario <Phillip.Rosario@fcc.gov>; David Strickland <David.Strickland@fcc.gov>; Michael Antonino <Michael.Antonino@fcc.gov>
Subject: FW: FCC - Letter of Inquiry - EB-IHD-25-00037871, CBS Broadcasting Inc.

FYI – the LOI to CBS Broadcasting Inc. has been issued. Hard copy via BrightKey to follow.

Chris

From: Christopher Sova
Sent: Wednesday, January 29, 2025 3:17 PM
To: john.bagwell@paramount.com
Subject: FCC - Letter of Inquiry - EB-IHD-25-00037871, CBS Broadcasting Inc.

Good afternoon, Mr. Bagwell:

Attached is a Letter of Inquiry to CBS Broadcasting Inc., licensee of WCBS-TV, issued pursuant to sections 4(i), 4(j), 308(b), and 403 of the Communications Act, by the Investigations & Hearings Division of the Federal Communications Commission's Enforcement Bureau. A response to this Letter of Inquiry is due within three (3) business days from today.

Thank you.

Christopher J. Sova
Division Chief
Enforcement Bureau/Investigations and Hearings Division
Federal Communications Commission
(202) 418-1868

CONFIDENTIALITY: This email and any attachments are confidential, except where the email states it can be disclosed, and it may also be privileged. If received in error, please do not disclose the contents to anyone, but notify the sender and delete this email and any attachments.

From: [Erin Boone](#)
To: [Brendan Carr](#)
Cc: [Greg Watson](#)
Subject: FW: CBS request
Date: Friday, January 31, 2025 6:03:00 PM
Attachments: [image001.png](#)

FYI

Erin Boone
Senior Counsel – Media & Enforcement
Office of FCC Chairman Brendan Carr
Acting Chief, Media Bureau
202-418-0736 | erin.boone@fcc.gov

From: Deena Shetler <Deena.Shetler@fcc.gov>
Sent: Friday, January 31, 2025 4:52 PM
To: Erin Boone <Erin.Boone@fcc.gov>
Subject: CBS request

Hi Erin,

Commissioner Gomez would like to know what has been sent to CBS to demand provision of the 60 Minutes transcript, meaning was this an LOI, subpoena or something else. She is also requesting a copy of that document.

Thanks,

Deena

Deena M. Shetler

Chief of Staff and Legal Advisor | Office of Commissioner Anna M. Gomez
Federal Communications Commission
deena.shetler@fcc.gov



From: [Erin Boone](#)
To: [Tia Cromwell](#); [Jeffrey Riordan](#); [Terrell Richardson](#); [Patrick Webre](#); [Adam Jackman](#)
Cc: [CMRstaff](#); [Jason Schiavoni](#); [Will Wiquist](#); [Katie Gorscak](#)
Subject: RE: Video for Chairman's Office
Date: Tuesday, February 4, 2025 12:00:00 PM

Got it. Thanks Tia.

Erin Boone
Senior Counsel – Media & Enforcement
Office of FCC Chairman Brendan Carr
Acting Chief, Media Bureau
202-418-0736 | erin.boone@fcc.gov

From: Tia Cromwell <Tia.Cromwell@fcc.gov>
Sent: Tuesday, February 4, 2025 11:55 AM
To: Erin Boone <Erin.Boone@fcc.gov>; Jeffrey Riordan <Jeffrey.Riordan@fcc.gov>; Terrell Richardson <Terrell.Richardson@fcc.gov>; Patrick Webre <Patrick.Webre@fcc.gov>; Adam Jackman <Adam.Jackman@fcc.gov>
Cc: CMRstaff <CMRstaff@fcc.gov>; Jason Schiavoni <Jason.Schiavoni@fcc.gov>; Will Wiquist <Will.Wiquist@fcc.gov>; Katie Gorscak <Katie.Gorscak@fcc.gov>
Subject: RE: Video for Chairman's Office

To clarify more – it will be a link to the PDF
That link will be added to the description on the video's page.

From: Erin Boone <Erin.Boone@fcc.gov>
Sent: Tuesday, February 4, 2025 11:54 AM
To: Tia Cromwell <Tia.Cromwell@fcc.gov>; Jeffrey Riordan <Jeffrey.Riordan@fcc.gov>; Terrell Richardson <Terrell.Richardson@fcc.gov>; Patrick Webre <Patrick.Webre@fcc.gov>; Adam Jackman <Adam.Jackman@fcc.gov>
Cc: CMRstaff <CMRstaff@fcc.gov>; Jason Schiavoni <Jason.Schiavoni@fcc.gov>; Will Wiquist <Will.Wiquist@fcc.gov>; Katie Gorscak <Katie.Gorscak@fcc.gov>
Subject: RE: Video for Chairman's Office

Tia,
Where will the pdf file be hosted? On the FCC website?

Erin Boone
Senior Counsel – Media & Enforcement
Office of FCC Chairman Brendan Carr
Acting Chief, Media Bureau
202-418-0736 | erin.boone@fcc.gov

From: Tia Cromwell <Tia.Cromwell@fcc.gov>
Sent: Tuesday, February 4, 2025 11:39 AM
To: Erin Boone <Erin.Boone@fcc.gov>; Jeffrey Riordan <Jeffrey.Riordan@fcc.gov>; Terrell Richardson <Terrell.Richardson@fcc.gov>; Patrick Webre <Patrick.Webre@fcc.gov>
Cc: CMRstaff <CMRstaff@fcc.gov>; Jason Schiavoni <Jason.Schiavoni@fcc.gov>; Will Wiquist <Will.Wiquist@fcc.gov>; Katie Gorscak <Katie.Gorscak@fcc.gov>
Subject: RE: Video for Chairman's Office

Got it – We will use what you sent.

Title: CBS 60 Minutes
Description: “CBS 60 Minutes Video”
“CBS 60 Minutes Transcript”

From: Erin Boone <Erin.Boone@fcc.gov>
Sent: Tuesday, February 4, 2025 11:33 AM
To: Tia Cromwell <Tia.Cromwell@fcc.gov>; Jeffrey Riordan <Jeffrey.Riordan@fcc.gov>; Terrell Richardson <Terrell.Richardson@fcc.gov>; Patrick Webre <Patrick.Webre@fcc.gov>
Cc: CMRstaff <CMRstaff@fcc.gov>; Jason Schiavoni <Jason.Schiavoni@fcc.gov>; Will Wiquist <Will.Wiquist@fcc.gov>; Katie Gorscak <Katie.Gorscak@fcc.gov>
Subject: RE: Video for Chairman's Office

Thanks Tia. Yes, the “CBS 60 Minutes Transcript” quote is for the transcript. “CBS 60 Minutes Video” is for the Video. If you need a combined description please make it “CBS 60 Minutes Video and Transcript.”

(b) (5)

Erin Boone
Senior Counsel – Media & Enforcement
Office of FCC Chairman Brendan Carr
Acting Chief, Media Bureau
202-418-0736 | erin.boone@fcc.gov

From: Tia Cromwell <Tia.Cromwell@fcc.gov>
Sent: Tuesday, February 4, 2025 11:30 AM
To: Erin Boone <Erin.Boone@fcc.gov>; Jeffrey Riordan <Jeffrey.Riordan@fcc.gov>; Terrell Richardson <Terrell.Richardson@fcc.gov>; Patrick Webre <Patrick.Webre@fcc.gov>
Cc: CMRstaff <CMRstaff@fcc.gov>; Jason Schiavoni <Jason.Schiavoni@fcc.gov>; Will Wiquist <Will.Wiquist@fcc.gov>; Katie Gorscak <Katie.Gorscak@fcc.gov>
Subject: RE: Video for Chairman's Office

Thanks,
Understood – holding off until we get the green light

Do you have a preference for the language that should be used that links to the PDF?

Title: CBS 60 Minutes

Description: "CBS 60 Minutes Video" "CBS 60 Minutes Transcript"

Additional information (this will link to the PDF)

From: Erin Boone <Erin.Boone@fcc.gov>

Sent: Tuesday, February 4, 2025 11:26 AM

To: Jeffrey Riordan <Jeffrey.Riordan@fcc.gov>; Terrell Richardson <Terrell.Richardson@fcc.gov>; Tia Cromwell <Tia.Cromwell@fcc.gov>; Patrick Webre <Patrick.Webre@fcc.gov>

Cc: CMRstaff <CMRstaff@fcc.gov>; Jason Schiavoni <Jason.Schiavoni@fcc.gov>; Will Wiquist <Will.Wiquist@fcc.gov>; Katie Gorscak <Katie.Gorscak@fcc.gov>

Subject: RE: Video for Chairman's Office

Importance: High

Title: CBS 60 Minutes

Description: "CBS 60 Minutes Video" "CBS 60 Minutes Transcript"

**PLEASE HOLD OFF ON PUBLICLY RELEASING ONCE EVERYTHING IS LOADED.
OCH NEEDS TO SIGN OFF**

Erin Boone

Senior Counsel – Media & Enforcement

Office of FCC Chairman Brendan Carr

Acting Chief, Media Bureau

202-418-0736 | erin.boone@fcc.gov

From: Jeffrey Riordan <Jeffrey.Riordan@fcc.gov>

Sent: Tuesday, February 4, 2025 11:25 AM

To: Terrell Richardson <Terrell.Richardson@fcc.gov>; Tia Cromwell <Tia.Cromwell@fcc.gov>; Patrick Webre <Patrick.Webre@fcc.gov>; Erin Boone <Erin.Boone@fcc.gov>

Cc: CMRstaff <CMRstaff@fcc.gov>; Jason Schiavoni <Jason.Schiavoni@fcc.gov>; Will Wiquist <Will.Wiquist@fcc.gov>; Katie Gorscak <Katie.Gorscak@fcc.gov>

Subject: Re: Video for Chairman's Office

Great!

Tia, Erin is working on the title and description and will reply in this chain. Thanks!

From: Terrell Richardson <Terrell.Richardson@fcc.gov>

Sent: Tuesday, February 4, 2025 11:22 AM

To: Tia Cromwell <Tia.Cromwell@fcc.gov>; Patrick Webre <Patrick.Webre@fcc.gov>; Jeffrey Riordan <Jeffrey.Riordan@fcc.gov>; Erin Boone <Erin.Boone@fcc.gov>

Cc: CMRstaff <CMRstaff@fcc.gov>; Jason Schiavoni <Jason.Schiavoni@fcc.gov>
Subject: RE: Video for Chairman's Office

Folder Name: Unedited 60 Minute Interview_Ver 2

Should contain: 2 files

For Internal Use Only

From: Tia Cromwell <Tia.Cromwell@fcc.gov>
Sent: Tuesday, February 4, 2025 11:20 AM
To: Terrell Richardson <Terrell.Richardson@fcc.gov>; Patrick Webre <Patrick.Webre@fcc.gov>; Jeffrey Riordan <Jeffrey.Riordan@fcc.gov>; Erin Boone <Erin.Boone@fcc.gov>
Cc: CMRstaff <CMRstaff@fcc.gov>; Jason Schiavoni <Jason.Schiavoni@fcc.gov>
Subject: RE: Video for Chairman's Office

Access confirmed.

Which folder? File name?

Title/Description information?

Yes, we can include a link to the PDF in the description section.

From: Terrell Richardson <Terrell.Richardson@fcc.gov>
Sent: Tuesday, February 4, 2025 11:13 AM
To: Patrick Webre <Patrick.Webre@fcc.gov>; Jeffrey Riordan <Jeffrey.Riordan@fcc.gov>; Erin Boone <Erin.Boone@fcc.gov>
Cc: CMRstaff <CMRstaff@fcc.gov>; Tia Cromwell <Tia.Cromwell@fcc.gov>; Jason Schiavoni <Jason.Schiavoni@fcc.gov>
Subject: RE: Video for Chairman's Office

As requested: <https://us-fcc.box.com/s/55n6dzua6qigo1u8pc63ulo9nfy0i3c3>

For Internal Use Only

From: Patrick Webre <Patrick.Webre@fcc.gov>
Sent: Tuesday, February 4, 2025 11:12 AM
To: Jeffrey Riordan <Jeffrey.Riordan@fcc.gov>; Erin Boone <Erin.Boone@fcc.gov>; Terrell Richardson <Terrell.Richardson@fcc.gov>
Cc: CMRstaff <CMRstaff@fcc.gov>; Tia Cromwell <Tia.Cromwell@fcc.gov>; Jason Schiavoni <Jason.Schiavoni@fcc.gov>
Subject: RE: Video for Chairman's Office

Adding Terrell who can assist with that.

Thanks.

Patrick Webre
Acting Chief, Enforcement Bureau

From: Jeffrey Riordan <Jeffrey.Riordan@fcc.gov>
Sent: Tuesday, February 4, 2025 11:09 AM
To: Erin Boone <Erin.Boone@fcc.gov>
Cc: CMRstaff <CMRstaff@fcc.gov>; Patrick Webre <Patrick.Webre@fcc.gov>; Tia Cromwell <Tia.Cromwell@fcc.gov>; Jason Schiavoni <Jason.Schiavoni@fcc.gov>
Subject: Re: Video for Chairman's Office

If the video and transcript are being loaded onto Box please share that link to download it with Tia and Jason and that would make it faster for them to get the video to YouTube.

From: Jeffrey Riordan <Jeffrey.Riordan@fcc.gov>
Sent: Tuesday, February 4, 2025 11:06 AM
To: Erin Boone <Erin.Boone@fcc.gov>
Cc: CMRstaff <CMRstaff@fcc.gov>; Patrick Webre <Patrick.Webre@fcc.gov>; Tia Cromwell <Tia.Cromwell@fcc.gov>; Jason Schiavoni <Jason.Schiavoni@fcc.gov>
Subject: Re: Video for Chairman's Office

That sounds like something we can do but I have a question.

Is the video already transcribed? If not we'll have to get it transcribed which will delay the process.

We can upload the video to YouTube and provide a link in the description to the transcript. You may also want to create a webpage that embeds both the YT link and the transcript in one place. I'm adding in Jason and Tia from our web team who can correct me if I'm wrong as well as give you an estimate on how long it would take.

Do you know how long the video is? That will have an impact on how long it takes to process the video through YT.

From: Erin Boone <Erin.Boone@fcc.gov>
Sent: Tuesday, February 4, 2025 10:51 AM
To: Jeffrey Riordan <Jeffrey.Riordan@fcc.gov>
Cc: CMRstaff <CMRstaff@fcc.gov>; Patrick Webre <Patrick.Webre@fcc.gov>
Subject: RE: Video for Chairman's Office

Jeff,

So I got more specific direction. We need not only the video posted to the FCC YouTube page, but also a link next to the video that will go to a pdf copy of a full transcript of the video we are posting. Does that make sense and is it possible? Also, how quickly can this

happened once you have the video and the pdf transcript? Please let me know asap, and thanks very much in advance.

Erin Boone
Senior Counsel – Media & Enforcement
Office of FCC Chairman Brendan Carr
Acting Chief, Media Bureau
202-418-0736 | erin.boone@fcc.gov

From: Erin Boone
Sent: Tuesday, February 4, 2025 10:42 AM
To: Jeffrey Riordan <Jeffrey.Riordan@fcc.gov>
Cc: CMRstaff <CMRstaff@fcc.gov>; Patrick Webre <Patrick.Webre@fcc.gov>
Subject: RE: Video for Chairman's Office

Perfect. Let me get the title and description for you. Patrick will take care of getting you access to the video when it is time.

Erin Boone
Senior Counsel – Media & Enforcement
Office of FCC Chairman Brendan Carr
Acting Chief, Media Bureau
202-418-0736 | erin.boone@fcc.gov

From: Jeffrey Riordan <Jeffrey.Riordan@fcc.gov>
Sent: Tuesday, February 4, 2025 9:29 AM
To: Erin Boone <Erin.Boone@fcc.gov>
Cc: CMRstaff <CMRstaff@fcc.gov>
Subject: Video for Chairman's Office

Let me know how to get a copy of the video and we'll work with the web team to get it posted on YouTube.

We will need a Title for the video and a brief description for YouTube as well.

Jeff Riordan
Audio/Video Center Officer
Phone: 202-418-0460
Cell: (b) (6)
Jeffrey.Riordan@fcc.gov

From: [Erin Boone](#)
To: [Brendan Carr](#)
Subject: RE: Request for materials submitted by CBS
Date: Tuesday, February 4, 2025 1:27:00 PM
Attachments: [image001.png](#)

Will do thanks!

Erin Boone
Senior Counsel – Media & Enforcement
Office of FCC Chairman Brendan Carr
Acting Chief, Media Bureau
202-418-0736 | erin.boone@fcc.gov

From: Brendan Carr <Brendan.Carr@fcc.gov>
Sent: Tuesday, February 4, 2025 1:27 PM
To: Erin Boone <Erin.Boone@fcc.gov>
Subject: RE: Request for materials submitted by CBS

Final from me attached. Fire away and then send me a PDF of the sent version.

From: Erin Boone <Erin.Boone@fcc.gov>
Sent: Tuesday, February 4, 2025 12:19 PM
To: Brendan Carr <Brendan.Carr@fcc.gov>
Subject: FW: Request for materials submitted by CBS

Erin Boone
Senior Counsel – Media & Enforcement
Office of FCC Chairman Brendan Carr
Acting Chief, Media Bureau
202-418-0736 | erin.boone@fcc.gov

From: Deena Shetler <Deena.Shetler@fcc.gov>
Sent: Tuesday, February 4, 2025 12:16 PM
To: Erin Boone <Erin.Boone@fcc.gov>; Patrick Webre <Patrick.Webre@fcc.gov>
Subject: Request for materials submitted by CBS

Following up on my conversation yesterday with Erin, Commissioner Gomez would like copies of all the materials provided by CBS in response to the FCC/Enforcement Bureau's request related to the complaint about 60 Minutes. In addition, to the extent these materials are going to be made public, she is requesting that such materials be provided to all Commissioners at least 48 hours prior to their public release.

Thank you,

Deena

Deena M. Shetler

Chief of Staff and Legal Advisor | Office of Commissioner Anna M. Gomez
Federal Communications Commission

deena.shetler@fcc.gov



From: [Erin Boone](#)
To: [Benjamin Arden](#)
Subject: RE: CAR CBS Complaint
Date: Wednesday, February 5, 2025 11:05:00 AM

Yeah I figured that out right after I sent it. We can just put the Youtube and transcript links in the PN. Jackman confirmed.

Erin Boone
Senior Counsel – Media & Enforcement
Office of FCC Chairman Brendan Carr
Acting Chief, Media Bureau
202-418-0736 | erin.boone@fcc.gov

From: Benjamin Arden <Benjamin.Arden@fcc.gov>
Sent: Wednesday, February 5, 2025 11:02 AM
To: Erin Boone <Erin.Boone@fcc.gov>
Subject: Re: CAR CBS Complaint

I had just planned to dump it in the docket, which is noted in the PN.

From: Erin Boone <Erin.Boone@fcc.gov>
Sent: Wednesday, February 5, 2025 11:01 AM
To: Benjamin Arden <Benjamin.Arden@fcc.gov>
Subject: FW: CAR CBS Complaint

Here is the complaint. Do you think we need a link, or did you just need the cite?

Erin Boone
Senior Counsel – Media & Enforcement
Office of FCC Chairman Brendan Carr
Acting Chief, Media Bureau
202-418-0736 | erin.boone@fcc.gov

From: Patrick Webre <Patrick.Webre@fcc.gov>
Sent: Wednesday, February 5, 2025 10:58 AM
To: Erin Boone <Erin.Boone@fcc.gov>
Subject: CAR CBS Complaint

Attached.

Patrick Webre
Acting Chief, Enforcement Bureau

From: [Erin Boone](#)
To: [Benjamin Arden](#); [Alexander Sanjenis](#); [Adam Jackman](#)
Subject: Document
Date: Wednesday, February 5, 2025 1:12:00 PM
Attachments: [Draft CAR Complaint PN FINAL.docx](#)

Erin Boone
Senior Counsel – Media & Enforcement
Office of FCC Chairman Brendan Carr
Acting Chief, Media Bureau
202-418-0736 | erin.boone@fcc.gov

From: [Erin Boone](#)
To: [Patrick Webre](#)
Subject: FW: Request for materials submitted by CBS
Date: Tuesday, February 4, 2025 1:28:00 PM
Attachments: [image001.png](#)
[San Jose ICE Agent doxxing LOI 2.4-BC.docx](#)

FYI he's ready to go!

Erin Boone
Senior Counsel – Media & Enforcement
Office of FCC Chairman Brendan Carr
Acting Chief, Media Bureau
202-418-0736 | erin.boone@fcc.gov

From: Brendan Carr <Brendan.Carr@fcc.gov>
Sent: Tuesday, February 4, 2025 1:27 PM
To: Erin Boone <Erin.Boone@fcc.gov>
Subject: RE: Request for materials submitted by CBS

Final from me attached. Fire away and then send me a PDF of the sent version.

From: Erin Boone <Erin.Boone@fcc.gov>
Sent: Tuesday, February 4, 2025 12:19 PM
To: Brendan Carr <Brendan.Carr@fcc.gov>
Subject: FW: Request for materials submitted by CBS

Erin Boone
Senior Counsel – Media & Enforcement
Office of FCC Chairman Brendan Carr
Acting Chief, Media Bureau
202-418-0736 | erin.boone@fcc.gov

From: Deena Shetler <Deena.Shetler@fcc.gov>
Sent: Tuesday, February 4, 2025 12:16 PM
To: Erin Boone <Erin.Boone@fcc.gov>; Patrick Webre <Patrick.Webre@fcc.gov>
Subject: Request for materials submitted by CBS

Following up on my conversation yesterday with Erin, Commissioner Gomez would like copies of all the materials provided by CBS in response to the FCC/Enforcement Bureau's request related to the complaint about 60 Minutes. In addition, to the extent these materials are going to be made public, she is requesting that such materials be provided to all Commissioners at least 48 hours prior to their public release.

Thank you,

Deena

Deena M. Shetler

Chief of Staff and Legal Advisor | Office of Commissioner Anna M. Gomez
Federal Communications Commission

deena.shetler@fcc.gov



From: [Erin Boone](#)
To: [Katie Gorscak](#); [Alexander Sanjenis](#); [Will Wiquist](#); [Ismari Cueto](#); [Adam Jackman](#)
Subject: RE: OCH Release
Date: Wednesday, February 5, 2025 2:27:00 PM

That's correct. Adding Adam. Adam will give you the go ahead to release. Hold until he says so.

Erin Boone
Senior Counsel – Media & Enforcement
Office of FCC Chairman Brendan Carr
Acting Chief, Media Bureau
202-418-0736 | erin.boone@fcc.gov

From: Katie Gorscak <Katie.Gorscak@fcc.gov>
Sent: Wednesday, February 5, 2025 1:45 PM
To: Alexander Sanjenis <Alexander.Sanjenis@fcc.gov>; Will Wiquist <Will.Wiquist@fcc.gov>; Ismari Cueto <Ismari.Cueto@fcc.gov>
Cc: Erin Boone <Erin.Boone@fcc.gov>
Subject: RE: OCH Release

And just to confirm we are on hold until the Chairman makes a final determination (per Adam).

[@Ismari Cueto](#)- please do not release until we give the go.

From: Alexander Sanjenis <Alexander.Sanjenis@fcc.gov>
Sent: Wednesday, February 5, 2025 1:39 PM
To: Will Wiquist <Will.Wiquist@fcc.gov>; Katie Gorscak <Katie.Gorscak@fcc.gov>
Cc: Erin Boone <Erin.Boone@fcc.gov>; Ismari Cueto <Ismari.Cueto@fcc.gov>
Subject: RE: OCH Release

We like Options #2, I will enter than into EDOCS. Thanks!

From: Will Wiquist <Will.Wiquist@fcc.gov>
Sent: Wednesday, February 5, 2025 1:35 PM
To: Alexander Sanjenis <Alexander.Sanjenis@fcc.gov>; Katie Gorscak <Katie.Gorscak@fcc.gov>
Cc: Erin Boone <Erin.Boone@fcc.gov>; Ismari Cueto <Ismari.Cueto@fcc.gov>
Subject: RE: OCH Release

Thanks. Would it make sense to do a short title like:

- (b) (5)
- (b) (5)

From: Alexander Sanjenis <Alexander.Sanjenis@fcc.gov>

Sent: Wednesday, February 5, 2025 1:31 PM
To: Will Wiquist <Will.Wiquist@fcc.gov>; Katie Gorscak <Katie.Gorscak@fcc.gov>
Cc: Erin Boone <Erin.Boone@fcc.gov>; Ismari Cueto <Ismari.Cueto@fcc.gov>
Subject: RE: OCH Release

Yes it'll be MB and FCC page.

Formal: (b) (5)

Short: (b) (5)

Description: (b) (5)

From: Will Wiquist <Will.Wiquist@fcc.gov>
Sent: Wednesday, February 5, 2025 1:29 PM
To: Alexander Sanjenis <Alexander.Sanjenis@fcc.gov>; Katie Gorscak <Katie.Gorscak@fcc.gov>
Cc: Erin Boone <Erin.Boone@fcc.gov>; Ismari Cueto <Ismari.Cueto@fcc.gov>
Subject: RE: OCH Release

+Ismari who manages EDOCS for us. We will be on standby and get it out when we see it.

I assume it's going on the homepage? Let us know if you need help on the short title or anything.

From: Alexander Sanjenis <Alexander.Sanjenis@fcc.gov>
Sent: Wednesday, February 5, 2025 1:22 PM
To: Will Wiquist <Will.Wiquist@fcc.gov>; Katie Gorscak <Katie.Gorscak@fcc.gov>
Cc: Erin Boone <Erin.Boone@fcc.gov>
Subject: OCH Release

Will & Katie,

OCH would like to release a public notice shortly announcing the open of a new docket concerning the complaint against CBS. I should be uploading it to EDOCS shortly. We just wanted to give you the heads up so you can do your magic (and fix whatever I screwed up).

From: [Erin Boone](#)
To: [Brendan Carr](#)
Subject: FW: OCH Release
Date: Wednesday, February 5, 2025 3:02:00 PM
Attachments: [Record 409375 Released.msg](#)

Erin Boone
Senior Counsel – Media & Enforcement
Office of FCC Chairman Brendan Carr
Acting Chief, Media Bureau
202-418-0736 | erin.boone@fcc.gov

From: Ismari Cueto <Ismari.Cueto@fcc.gov>
Sent: Wednesday, February 5, 2025 3:02 PM
To: Adam Jackman <Adam.Jackman@fcc.gov>; Erin Boone <Erin.Boone@fcc.gov>; Katie Gorscak <Katie.Gorscak@fcc.gov>; Alexander Sanjenis <Alexander.Sanjenis@fcc.gov>; Will Wiquist <Will.Wiquist@fcc.gov>
Subject: RE: OCH Release

This item has been released in EDOCS

From: Adam Jackman <Adam.Jackman@fcc.gov>
Sent: Wednesday, February 5, 2025 3:00 PM
To: Erin Boone <Erin.Boone@fcc.gov>; Katie Gorscak <Katie.Gorscak@fcc.gov>; Alexander Sanjenis <Alexander.Sanjenis@fcc.gov>; Will Wiquist <Will.Wiquist@fcc.gov>; Ismari Cueto <Ismari.Cueto@fcc.gov>
Subject: RE: OCH Release

We are good to go to send the release on the public notice. Please send me a link asap when done.

Adam Jackman

Director of Strategic Communications
FCC Office of Media Relations

From: Erin Boone <Erin.Boone@fcc.gov>
Sent: Wednesday, February 5, 2025 2:27 PM
To: Katie Gorscak <Katie.Gorscak@fcc.gov>; Alexander Sanjenis <Alexander.Sanjenis@fcc.gov>; Will Wiquist <Will.Wiquist@fcc.gov>; Ismari Cueto <Ismari.Cueto@fcc.gov>; Adam Jackman <Adam.Jackman@fcc.gov>
Subject: RE: OCH Release

That's correct. Adding Adam. Adam will give you the go ahead to release. Hold until he says so.

Erin Boone
Senior Counsel – Media & Enforcement
Office of FCC Chairman Brendan Carr
Acting Chief, Media Bureau
202-418-0736 | erin.boone@fcc.gov

From: Katie Gorscak <Katie.Gorscak@fcc.gov>
Sent: Wednesday, February 5, 2025 1:45 PM
To: Alexander Sanjenis <Alexander.Sanjenis@fcc.gov>; Will Wiquist <Will.Wiquist@fcc.gov>; Ismari Cueto <Ismari.Cueto@fcc.gov>
Cc: Erin Boone <Erin.Boone@fcc.gov>
Subject: RE: OCH Release

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Sent: Wednesday, February 5, 2025 1:39 PM
To: Will Wiquist <Will.Wiquist@fcc.gov>; Katie Gorscak <Katie.Gorscak@fcc.gov>
Cc: Erin Boone <Erin.Boone@fcc.gov>; Ismari Cueto <Ismari.Cueto@fcc.gov>
Subject: RE: OCH Release

We like Options #2, I will enter than into EDOCS. Thanks!

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Sent: Wednesday, February 5, 2025 1:35 PM
To: Alexander Sanjenis <Alexander.Sanjenis@fcc.gov>; Katie Gorscak <Katie.Gorscak@fcc.gov>
Cc: Erin Boone <Erin.Boone@fcc.gov>; Ismari Cueto <Ismari.Cueto@fcc.gov>
Subject: RE: OCH Release

Thanks. Would it make sense to do a short title like:

- (b) (5)
- (b) (5)

From: Alexander Sanjenis <Alexander.Sanjenis@fcc.gov>
Sent: Wednesday, February 5, 2025 1:31 PM
To: Will Wiquist <Will.Wiquist@fcc.gov>; Katie Gorscak <Katie.Gorscak@fcc.gov>
Cc: Erin Boone <Erin.Boone@fcc.gov>; Ismari Cueto <Ismari.Cueto@fcc.gov>
Subject: RE: OCH Release

Yes it'll be MB and FCC page.

Formal: (b) (5)

Short: (b) (5)

Description: (b) (5)

From: Will Wiquist <Will.Wiquist@fcc.gov>

Sent: Wednesday, February 5, 2025 1:29 PM

To: Alexander Sanjenis <Alexander.Sanjenis@fcc.gov>; Katie Gorscak <Katie.Gorscak@fcc.gov>

Cc: Erin Boone <Erin.Boone@fcc.gov>; Ismari Cueto <Ismari.Cueto@fcc.gov>

Subject: RE: OCH Release

+Ismari who manages EDOCS for us. We will be on standby and get it out when we see it.

I assume it's going on the homepage? Let us know if you need help on the short title or anything.

From: Alexander Sanjenis <Alexander.Sanjenis@fcc.gov>

Sent: Wednesday, February 5, 2025 1:22 PM

To: Will Wiquist <Will.Wiquist@fcc.gov>; Katie Gorscak <Katie.Gorscak@fcc.gov>

Cc: Erin Boone <Erin.Boone@fcc.gov>

Subject: OCH Release

Will & Katie,

OCH would like to release a public notice shortly announcing the open of a new docket concerning the complaint against CBS. I should be uploading it to EDOCS shortly. We just wanted to give you the heads up so you can do your magic (and fix whatever I screwed up).

From: [EDOCShelp](#)
To: [OMR EDOCS Team](#); [Alexander Sanjenis](#)
Cc: [OMR EDOCS Team](#); [OMR Headlines](#); [EDOCShelp](#); [Christina Gavin](#); [Thomas Horan](#); [India Malcolm](#); [Nancy Murphy](#); [Evan Morris](#); [Alexander Sanjenis](#); [Brittany Gomes](#); [Sima Nilsson](#); [Erin Boone](#); [FCCWEB](#)
Subject: Record 409375 Released
Date: Wednesday, February 5, 2025 3:01:09 PM

The link(s) for the document are as follows: [DA-25-107A1.docx](#) , [DA-25-107A1.pdf](#) , [DA-25-107A1.txt](#)

Link(s) are now publicly available.

IMMEDIATE RELEASE

Rec ID: 409375

Document Type: PN (Public Notice)

Formal Title: News Distortion Complaint Involving CBS Broadcasting Inc., Licensee of WCBS, New York, NY

Short Web Title: FCC Seeks Comment on WCBS News Distortion Complaint

FCC Record Case Name: FCC Seeks Comment on WCBS News Distortion Complaint

Description: FCC Establishes MB Docket No. 25-73 and Comment Cycle for News Distortion Complaint Involving CBS Broadcasting Inc., Licensee of WCBS, New York, NY

Request DA: false

DA Number: 25-107

Authority: Media Bureau

Not for Digest: false

Regulatory Flexibility Analysis Done?: false

Document Status: Included in Daily Digest

Release date: 2025-02-05

Digest date: 2025-02-06

Adopted date: 2025-02-05

Entered By: Alexander.Sanjenis

Updated: 2025-02-05 15:00:46

Updated By: Ismari.Cueto

HEADLINE

Headline on FCC Home Page: true

Headline on Bureau Home Page(s): Media Bureau, FCC Home Page

DOCKET/RM NUMBER

Docket/RM Numbers: 25-73

This message is automatically generated by the EDOCS application.

From: [Erin Boone](#)
To: [Patrick Webre](#)
Subject: FW: OCH Release
Date: Wednesday, February 5, 2025 3:09:00 PM
Attachments: [Record 409375 Released.msg](#)

Erin Boone
Senior Counsel – Media & Enforcement
Office of FCC Chairman Brendan Carr
Acting Chief, Media Bureau
202-418-0736 | erin.boone@fcc.gov

From: Ismari Cueto <Ismari.Cueto@fcc.gov>
Sent: Wednesday, February 5, 2025 3:02 PM
To: Adam Jackman <Adam.Jackman@fcc.gov>; Erin Boone <Erin.Boone@fcc.gov>; Katie Gorscak <Katie.Gorscak@fcc.gov>; Alexander Sanjenis <Alexander.Sanjenis@fcc.gov>; Will Wiquist <Will.Wiquist@fcc.gov>
Subject: RE: OCH Release

This item has been released in EDOCS

From: Adam Jackman <Adam.Jackman@fcc.gov>
Sent: Wednesday, February 5, 2025 3:00 PM
To: Erin Boone <Erin.Boone@fcc.gov>; Katie Gorscak <Katie.Gorscak@fcc.gov>; Alexander Sanjenis <Alexander.Sanjenis@fcc.gov>; Will Wiquist <Will.Wiquist@fcc.gov>; Ismari Cueto <Ismari.Cueto@fcc.gov>
Subject: RE: OCH Release

We are good to go to send the release on the public notice. Please send me a link asap when done.

Adam Jackman

Director of Strategic Communications
FCC Office of Media Relations

From: Erin Boone <Erin.Boone@fcc.gov>
Sent: Wednesday, February 5, 2025 2:27 PM
To: Katie Gorscak <Katie.Gorscak@fcc.gov>; Alexander Sanjenis <Alexander.Sanjenis@fcc.gov>; Will Wiquist <Will.Wiquist@fcc.gov>; Ismari Cueto <Ismari.Cueto@fcc.gov>; Adam Jackman <Adam.Jackman@fcc.gov>
Subject: RE: OCH Release

That's correct. Adding Adam. Adam will give you the go ahead to release. Hold until he says so.

Erin Boone
Senior Counsel – Media & Enforcement
Office of FCC Chairman Brendan Carr
Acting Chief, Media Bureau
202-418-0736 | erin.boone@fcc.gov

From: Katie Gorscak <Katie.Gorscak@fcc.gov>
Sent: Wednesday, February 5, 2025 1:45 PM
To: Alexander Sanjenis <Alexander.Sanjenis@fcc.gov>; Will Wiquist <Will.Wiquist@fcc.gov>; Ismari Cueto <Ismari.Cueto@fcc.gov>
Cc: Erin Boone <Erin.Boone@fcc.gov>
Subject: RE: OCH Release

And just to confirm we are on hold until the Chairman makes a final determination (per Adam).

[@Ismari Cueto](#)- please do not release until we give the go.

From: Alexander Sanjenis <Alexander.Sanjenis@fcc.gov>
Sent: Wednesday, February 5, 2025 1:39 PM
To: Will Wiquist <Will.Wiquist@fcc.gov>; Katie Gorscak <Katie.Gorscak@fcc.gov>
Cc: Erin Boone <Erin.Boone@fcc.gov>; Ismari Cueto <Ismari.Cueto@fcc.gov>
Subject: RE: OCH Release

We like Options #2, I will enter than into EDOCS. Thanks!

From: Will Wiquist <Will.Wiquist@fcc.gov>
Sent: Wednesday, February 5, 2025 1:35 PM
To: Alexander Sanjenis <Alexander.Sanjenis@fcc.gov>; Katie Gorscak <Katie.Gorscak@fcc.gov>
Cc: Erin Boone <Erin.Boone@fcc.gov>; Ismari Cueto <Ismari.Cueto@fcc.gov>
Subject: RE: OCH Release

Thanks. Would it make sense to do a short title like:

- (b) (5)
- (b) (5)

From: Alexander Sanjenis <Alexander.Sanjenis@fcc.gov>
Sent: Wednesday, February 5, 2025 1:31 PM
To: Will Wiquist <Will.Wiquist@fcc.gov>; Katie Gorscak <Katie.Gorscak@fcc.gov>
Cc: Erin Boone <Erin.Boone@fcc.gov>; Ismari Cueto <Ismari.Cueto@fcc.gov>
Subject: RE: OCH Release

Yes it'll be MB and FCC page.

Formal: (b) (5)

Short: (b) (5)

Description: (b) (5)

From: Will Wiquist <Will.Wiquist@fcc.gov>

Sent: Wednesday, February 5, 2025 1:29 PM

To: Alexander Sanjenis <Alexander.Sanjenis@fcc.gov>; Katie Gorscak <Katie.Gorscak@fcc.gov>

Cc: Erin Boone <Erin.Boone@fcc.gov>; Ismari Cueto <Ismari.Cueto@fcc.gov>

Subject: RE: OCH Release

+Ismari who manages EDOCS for us. We will be on standby and get it out when we see it.

I assume it's going on the homepage? Let us know if you need help on the short title or anything.

From: Alexander Sanjenis <Alexander.Sanjenis@fcc.gov>

Sent: Wednesday, February 5, 2025 1:22 PM

To: Will Wiquist <Will.Wiquist@fcc.gov>; Katie Gorscak <Katie.Gorscak@fcc.gov>

Cc: Erin Boone <Erin.Boone@fcc.gov>

Subject: OCH Release

Will & Katie,

OCH would like to release a public notice shortly announcing the open of a new docket concerning the complaint against CBS. I should be uploading it to EDOCS shortly. We just wanted to give you the heads up so you can do your magic (and fix whatever I screwed up).

From: [EDOCShelp](#)
To: [OMR EDOCS Team](#); [Alexander Sanjenis](#)
Cc: [OMR EDOCS Team](#); [OMR Headlines](#); [EDOCShelp](#); [Christina Gavin](#); [Thomas Horan](#); [India Malcolm](#); [Nancy Murphy](#); [Evan Morris](#); [Alexander Sanjenis](#); [Brittany Gomes](#); [Sima Nilsson](#); [Erin Boone](#); [FCCWEB](#)
Subject: Record 409375 Released
Date: Wednesday, February 5, 2025 3:01:09 PM

The link(s) for the document are as follows: [DA-25-107A1.docx](#) , [DA-25-107A1.pdf](#) , [DA-25-107A1.txt](#)

Link(s) are now publicly available.

IMMEDIATE RELEASE

Rec ID: 409375

Document Type: PN (Public Notice)

Formal Title: News Distortion Complaint Involving CBS Broadcasting Inc., Licensee of WCBS, New York, NY

Short Web Title: FCC Seeks Comment on WCBS News Distortion Complaint

FCC Record Case Name: FCC Seeks Comment on WCBS News Distortion Complaint

Description: FCC Establishes MB Docket No. 25-73 and Comment Cycle for News Distortion Complaint Involving CBS Broadcasting Inc., Licensee of WCBS, New York, NY

Request DA: false

DA Number: 25-107

Authority: Media Bureau

Not for Digest: false

Regulatory Flexibility Analysis Done?: false

Document Status: Included in Daily Digest

Release date: 2025-02-05

Digest date: 2025-02-06

Adopted date: 2025-02-05

Entered By: Alexander.Sanjenis

Updated: 2025-02-05 15:00:46

Updated By: Ismari.Cueto

HEADLINE

Headline on FCC Home Page: true

Headline on Bureau Home Page(s): Media Bureau, FCC Home Page

DOCKET/RM NUMBER

Docket/RM Numbers: 25-73

This message is automatically generated by the EDOCS application.

From: [Erin Boone](#)
To: [Alexander Sanjenis](#); [Benjamin Arden](#); [David Brown](#); [Evan Morris](#)
Subject: RE: MB Docket No. 25-73
Date: Thursday, February 6, 2025 2:18:00 PM
Attachments: [CBS 2.6.25 PN 1pm Clean.docx](#)

Attached are a few changes from me. (b) (5) Thanks all!

Erin Boone
Senior Counsel – Media & Enforcement
Office of FCC Chairman Brendan Carr
Acting Chief, Media Bureau
202-418-0736 | erin.boone@fcc.gov

From: Alexander Sanjenis <Alexander.Sanjenis@fcc.gov>
Sent: Thursday, February 6, 2025 2:13 PM
To: Benjamin Arden <Benjamin.Arden@fcc.gov>; David Brown <David.Brown@fcc.gov>; Erin Boone <Erin.Boone@fcc.gov>; Evan Morris <Evan.Morris@fcc.gov>
Subject: RE: MB Docket No. 25-73

Just one nit, (b) (5)

[REDACTED]

From: Benjamin Arden <Benjamin.Arden@fcc.gov>
Sent: Thursday, February 6, 2025 2:10 PM
To: David Brown <David.Brown@fcc.gov>; Erin Boone <Erin.Boone@fcc.gov>; Evan Morris <Evan.Morris@fcc.gov>; Alexander Sanjenis <Alexander.Sanjenis@fcc.gov>
Subject: Re: MB Docket No. 25-73

Thanks, again, David.

Some redlines from me, mostly revising to reflect (b) (5)

[REDACTED]

Erin, if this looks good (and subject to any objections), I think it's ready to move forward.

Also, Evan is checking with EB (b) (5) but no need for that to slow us down. Just need to lock it down before release.

From: David Brown <David.Brown@fcc.gov>
Sent: Thursday, February 6, 2025 1:38 PM
To: Benjamin Arden <Benjamin.Arden@fcc.gov>; Erin Boone <Erin.Boone@fcc.gov>; Evan Morris <Evan.Morris@fcc.gov>; Alexander Sanjenis <Alexander.Sanjenis@fcc.gov>
Subject: RE: MB Docket No. 25-73

Attached is the supplemental PN. Much thanks to Evan and Jeremy Miller in Video.

From: Benjamin Arden <Benjamin.Arden@fcc.gov>
Sent: Thursday, February 6, 2025 12:40 PM
To: David Brown <David.Brown@fcc.gov>; Erin Boone <Erin.Boone@fcc.gov>; Evan Morris <Evan.Morris@fcc.gov>; Alexander Sanjenis <Alexander.Sanjenis@fcc.gov>
Subject: Re: MB Docket No. 25-73

Okay, thanks. (b) (5)

From: David Brown <David.Brown@fcc.gov>
Sent: Thursday, February 6, 2025 12:36 PM
To: Benjamin Arden <Benjamin.Arden@fcc.gov>; Erin Boone <Erin.Boone@fcc.gov>; Evan Morris <Evan.Morris@fcc.gov>; Alexander Sanjenis <Alexander.Sanjenis@fcc.gov>
Subject: RE: MB Docket No. 25-73

The following is for express comments but I assume they will see the link when they get to the link I provided. <https://www.fcc.gov/ecfs/filings/express>

From: David Brown
Sent: Thursday, February 6, 2025 12:32 PM
To: Benjamin Arden <Benjamin.Arden@fcc.gov>; Erin Boone <Erin.Boone@fcc.gov>; Evan Morris <Evan.Morris@fcc.gov>; Alexander Sanjenis <Alexander.Sanjenis@fcc.gov>
Subject: RE: MB Docket No. 25-73

<https://www.fcc.gov/filings/standard>

From: Benjamin Arden <Benjamin.Arden@fcc.gov>
Sent: Thursday, February 6, 2025 12:24 PMs
To: David Brown <David.Brown@fcc.gov>; Erin Boone <Erin.Boone@fcc.gov>; Evan Morris <Evan.Morris@fcc.gov>; Alexander Sanjenis <Alexander.Sanjenis@fcc.gov>
Subject: Re: MB Docket No. 25-73

Can you send me the link you are using? (b) (5)

From: David Brown <David.Brown@fcc.gov>
Sent: Thursday, February 6, 2025 12:19 PM
To: Erin Boone <Erin.Boone@fcc.gov>; Evan Morris <Evan.Morris@fcc.gov>; Benjamin Arden <Benjamin.Arden@fcc.gov>; Alexander Sanjenis <Alexander.Sanjenis@fcc.gov>
Subject: RE: MB Docket No. 25-73

Just to add. (b) (5)

(b) (5)



From: Erin Boone <Erin.Boone@fcc.gov>

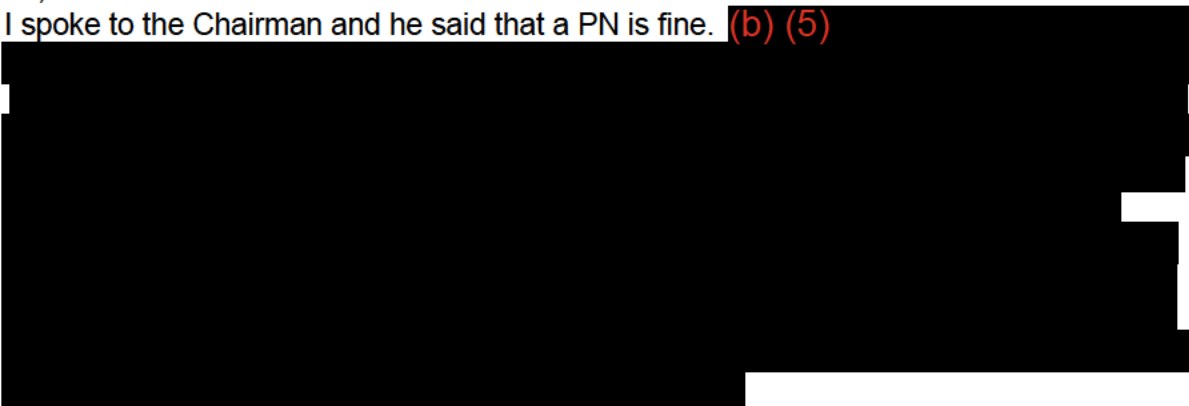
Sent: Thursday, February 6, 2025 11:57 AM

To: Evan Morris <Evan.Morris@fcc.gov>; David Brown <David.Brown@fcc.gov>; Benjamin Arden <Benjamin.Arden@fcc.gov>; Alexander Sanjenis <Alexander.Sanjenis@fcc.gov>

Subject: RE: MB Docket No. 25-73

All,

I spoke to the Chairman and he said that a PN is fine. (b) (5)



That was very long winded, but all that to say, this PN should be very brief.

David – can you or someone from your team put the draft together and send it to me asap? I will get working on the video with EB and OMR. Thanks and please let me know if you have any questions!

Erin Boone
Senior Counsel – Media & Enforcement
Office of FCC Chairman Brendan Carr
Acting Chief, Media Bureau
202-418-0736 | erin.boone@fcc.gov


From: Evan Morris <Evan.Morris@fcc.gov>

Sent: Thursday, February 6, 2025 10:25 AM

To: David Brown <David.Brown@fcc.gov>; Benjamin Arden <Benjamin.Arden@fcc.gov>; Erin Boone <Erin.Boone@fcc.gov>; Alexander Sanjenis <Alexander.Sanjenis@fcc.gov>

Subject: RE: MB Docket No. 25-73

(b) (5)



(b) (5)

[REDACTED]

FYI, I need to jump offline at 10:40am (b) (6)
[REDACTED] Will be back on by 11am.

E

From: David Brown <David.Brown@fcc.gov>
Sent: Thursday, February 6, 2025 10:07 AM
To: Benjamin Arden <Benjamin.Arden@fcc.gov>; Erin Boone <Erin.Boone@fcc.gov>; Alexander Sanjenis <Alexander.Sanjenis@fcc.gov>; Evan Morris <Evan.Morris@fcc.gov>
Subject: RE: MB Docket No. 25-73

My only opinion would be that (b) (5)

[REDACTED]

From: Benjamin Arden <Benjamin.Arden@fcc.gov>
Sent: Thursday, February 6, 2025 10:03 AM
To: Erin Boone <Erin.Boone@fcc.gov>; Alexander Sanjenis <Alexander.Sanjenis@fcc.gov>; Evan Morris <Evan.Morris@fcc.gov>
Cc: David Brown <David.Brown@fcc.gov>
Subject: Re: MB Docket No. 25-73

Sorry, just back from (b) (6)

[REDACTED]

(b) (5)

[REDACTED]

From: Erin Boone <Erin.Boone@fcc.gov>
Sent: Thursday, February 6, 2025 9:55 AM
To: Alexander Sanjenis <Alexander.Sanjenis@fcc.gov>; Evan Morris <Evan.Morris@fcc.gov>; Benjamin Arden <Benjamin.Arden@fcc.gov>
Cc: David Brown <David.Brown@fcc.gov>
Subject: RE: MB Docket No. 25-73

(b) (5)

[REDACTED]

[REDACTED]

Erin Boone

Senior Counsel – Media & Enforcement

Office of FCC Chairman Brendan Carr

Acting Chief, Media Bureau

202-418-0736 | erin.boone@fcc.gov

From: Alexander Sanjenis <Alexander.Sanjenis@fcc.gov>


Sent: Thursday, February 6, 2025 9:52 AM

To: Evan Morris <Evan.Morris@fcc.gov>; Erin Boone <Erin.Boone@fcc.gov>; Benjamin Arden <Benjamin.Arden@fcc.gov>

Cc: David Brown <David.Brown@fcc.gov>

Subject: RE: MB Docket No. 25-73

(b) (5)



From: Evan Morris <Evan.Morris@fcc.gov>


Sent: Thursday, February 6, 2025 9:48 AM

To: Erin Boone <Erin.Boone@fcc.gov>; Benjamin Arden <Benjamin.Arden@fcc.gov>; Alexander Sanjenis <Alexander.Sanjenis@fcc.gov>

Cc: David Brown <David.Brown@fcc.gov>

Subject: Re: MB Docket No. 25-73

And I just asked the ECFS team. (b) (5)



From: Erin Boone <Erin.Boone@fcc.gov>

Sent: Thursday, February 6, 2025 9:45:24 AM

To: Evan Morris <Evan.Morris@fcc.gov>; Benjamin Arden <Benjamin.Arden@fcc.gov>; Alexander

Sanjenis <Alexander.Sanjenis@fcc.gov>
Cc: David Brown <David.Brown@fcc.gov>
Subject: RE: MB Docket No. 25-73

Duh. That makes sense. Ben, do you agree? I think it totally makes sense just to do one of these two things if we can. Let me ask Jackman if this is possible. (b) (5)
[REDACTED]. Will find out.

Erin Boone
Senior Counsel – Media & Enforcement
Office of FCC Chairman Brendan Carr
Acting Chief, Media Bureau
202-418-0736 | erin.boone@fcc.gov

From: Evan Morris <Evan.Morris@fcc.gov>
Sent: Thursday, February 6, 2025 9:37 AM
To: Erin Boone <Erin.Boone@fcc.gov>; Benjamin Arden <Benjamin.Arden@fcc.gov>; Alexander Sanjenis <Alexander.Sanjenis@fcc.gov>
Cc: David Brown <David.Brown@fcc.gov>
Subject: Re: MB Docket No. 25-73

I can look into that. (b) (5)
[REDACTED]

[REDACTED]

[REDACTED]

Evan

From: Erin Boone <Erin.Boone@fcc.gov>
Sent: Thursday, February 6, 2025 9:21:36 AM
To: Evan Morris <Evan.Morris@fcc.gov>; Benjamin Arden <Benjamin.Arden@fcc.gov>; Alexander Sanjenis <Alexander.Sanjenis@fcc.gov>
Cc: David Brown <David.Brown@fcc.gov>
Subject: RE: MB Docket No. 25-73

Thanks Evan! Question for you. The Chairman said (b) (5)

Happy to discuss if you have questions. He would like this to happen today if possible.

Thanks!

Erin Boone
Senior Counsel – Media & Enforcement
Office of FCC Chairman Brendan Carr
Acting Chief, Media Bureau
202-418-0736 | erin.boone@fcc.gov

From: Evan Morris <Evan.Morris@fcc.gov>
Sent: Thursday, February 6, 2025 8:56 AM
To: Erin Boone <Erin.Boone@fcc.gov>; Benjamin Arden <Benjamin.Arden@fcc.gov>; Alexander Sanjenis <Alexander.Sanjenis@fcc.gov>
Cc: David Brown <David.Brown@fcc.gov>
Subject: Re: MB Docket No. 25-73

Upload to ECFS is complete and should appear around 11am.

-E

From: Erin Boone <Erin.Boone@fcc.gov>
Sent: Wednesday, February 5, 2025 6:28:05 PM
To: Benjamin Arden <Benjamin.Arden@fcc.gov>; Evan Morris <Evan.Morris@fcc.gov>; Alexander Sanjenis <Alexander.Sanjenis@fcc.gov>
Cc: David Brown <David.Brown@fcc.gov>
Subject: RE: MB Docket No. 25-73

Agree. Thanks for running it down.

Erin Boone
Senior Counsel – Media & Enforcement
Office of FCC Chairman Brendan Carr
Acting Chief, Media Bureau
202-418-0736 | erin.boone@fcc.gov

From: Benjamin Arden <Benjamin.Arden@fcc.gov>
Sent: Wednesday, February 5, 2025 6:25 PM
To: Evan Morris <Evan.Morris@fcc.gov>; Erin Boone <Erin.Boone@fcc.gov>; Alexander Sanjenis <Alexander.Sanjenis@fcc.gov>
Cc: David Brown <David.Brown@fcc.gov>
Subject: Re: MB Docket No. 25-73

That works. (b) (5) . The docket can come together tomorrow morning.

From: Evan Morris <Evan.Morris@fcc.gov>
Sent: Wednesday, February 5, 2025 6:14 PM
To: Benjamin Arden <Benjamin.Arden@fcc.gov>; Erin Boone <Erin.Boone@fcc.gov>; Alexander Sanjenis <Alexander.Sanjenis@fcc.gov>

Cc: David Brown <David.Brown@fcc.gov>

Subject: RE: MB Docket No. 25-73

So based on what I've been able to piece together, the way ECFS works even if it was uploaded now it wouldn't appear in ECFS until tomorrow at 11am. The only other way to have done it today was to attach it to the EDOCS transmittal. So I've passed it on to get it uploaded first thing in the AM.

-Evan

From: Benjamin Arden <Benjamin.Arden@fcc.gov>

Sent: Wednesday, February 5, 2025 5:45 PM

To: Evan Morris <Evan.Morris@fcc.gov>; Erin Boone <Erin.Boone@fcc.gov>; Alexander Sanjenis <Alexander.Sanjenis@fcc.gov>

Cc: David Brown <David.Brown@fcc.gov>

Subject: Re: MB Docket No. 25-73

Please go ahead with trying to get the complaint in the docket.

(b) (5)

From: Evan Morris <Evan.Morris@fcc.gov>

Sent: Wednesday, February 5, 2025 5:43 PM

To: Benjamin Arden <Benjamin.Arden@fcc.gov>; Erin Boone <Erin.Boone@fcc.gov>; Alexander Sanjenis <Alexander.Sanjenis@fcc.gov>

Cc: David Brown <David.Brown@fcc.gov>

Subject: RE: MB Docket No. 25-73

Okay, trying to find someone that can make that happen unless told otherwise.

(b) (5)

We could get that updated if desired, but may not be able to happen until tomorrow AM. LMK.

-E

From: Benjamin Arden <Benjamin.Arden@fcc.gov>
Sent: Wednesday, February 5, 2025 5:38 PM
To: Evan Morris <Evan.Morris@fcc.gov>; Erin Boone <Erin.Boone@fcc.gov>; Alexander Sanjenis <Alexander.Sanjenis@fcc.gov>
Cc: David Brown <David.Brown@fcc.gov>
Subject: Re: MB Docket No. 25-73

I believe it still needs to happen.

From: Evan Morris <Evan.Morris@fcc.gov>
Sent: Wednesday, February 5, 2025 5:25 PM
To: Benjamin Arden <Benjamin.Arden@fcc.gov>; Erin Boone <Erin.Boone@fcc.gov>; Alexander Sanjenis <Alexander.Sanjenis@fcc.gov>
Cc: David Brown <David.Brown@fcc.gov>
Subject: MB Docket No. 25-73

Hi all,

David pointed out that the complaint is not appearing in ECFS. In the PN, (b) (5) [REDACTED] It currently doesn't appear, is that in process or is help needed making that happen?

-Evan

Evan Morris

Associate Bureau Chief, Media Bureau

45 L Street, NE

Washington, DC 20554

Phone: 202-418-1656

E-mail: evan.morris@fcc.gov

From: [Erin Boone](#)
 To: [Jeffrey Riordan](#); [Patrick Webre](#); [Terrell Richardson](#)
 Cc: [Adam Jackman](#); [Katie Gorscak](#)
 Subject: RE: CBS Released Video
 Date: Thursday, February 6, 2025 3:44:00 PM
 Attachments: [image001.png](#)

Thank you!

Erin Boone
 Senior Counsel – Media & Enforcement
 Office of FCC Chairman Brendan Carr
 Acting Chief, Media Bureau
 202-418-0736 | erin.boone@fcc.gov

From: Jeffrey Riordan <Jeffrey.Riordan@fcc.gov>
 Sent: Thursday, February 6, 2025 3:37 PM
 To: Erin Boone <Erin.Boone@fcc.gov>; Patrick Webre <Patrick.Webre@fcc.gov>; Terrell Richardson <Terrell.Richardson@fcc.gov>
 Cc: Adam Jackman <Adam.Jackman@fcc.gov>; Katie Gorscak <Katie.Gorscak@fcc.gov>
 Subject: Re: CBS Released Video

The video has been uploaded to our account and marked as private.

From: Erin Boone <Erin.Boone@fcc.gov>
 Sent: Thursday, February 6, 2025 3:03 PM
 To: Patrick Webre <Patrick.Webre@fcc.gov>; Jeffrey Riordan <Jeffrey.Riordan@fcc.gov>; Terrell Richardson <Terrell.Richardson@fcc.gov>
 Cc: Adam Jackman <Adam.Jackman@fcc.gov>; Katie Gorscak <Katie.Gorscak@fcc.gov>
 Subject: RE: CBS Released Video

Just the video

Erin Boone
 Senior Counsel – Media & Enforcement
 Office of FCC Chairman Brendan Carr
 Acting Chief, Media Bureau
 202-418-0736 | erin.boone@fcc.gov

From: Patrick Webre <Patrick.Webre@fcc.gov>
 Sent: Thursday, February 6, 2025 2:51 PM
 To: Jeffrey Riordan <Jeffrey.Riordan@fcc.gov>; Erin Boone <Erin.Boone@fcc.gov>; Terrell Richardson <Terrell.Richardson@fcc.gov>
 Cc: Adam Jackman <Adam.Jackman@fcc.gov>; Katie Gorscak <Katie.Gorscak@fcc.gov>
 Subject: RE: CBS Released Video

I don't think OCH is interested in the transcript (pdf), but will let Erin confirm.

Patrick Webre
 Acting Chief, Enforcement Bureau

From: Jeffrey Riordan <Jeffrey.Riordan@fcc.gov>
 Sent: Thursday, February 6, 2025 2:50 PM
 To: Patrick Webre <Patrick.Webre@fcc.gov>; Erin Boone <Erin.Boone@fcc.gov>; Terrell Richardson <Terrell.Richardson@fcc.gov>
 Cc: Adam Jackman <Adam.Jackman@fcc.gov>; Katie Gorscak <Katie.Gorscak@fcc.gov>
 Subject: Re: CBS Released Video

Ah, yes I'm in it now. I'll get it downloaded now. Thanks!

Just to verify while I download here are the 2 files I'm downloading.

NAME	UPDATED ↓	SIZE
Transcribed Unedited Interview Footage 12 of 14.mp4	Feb 3, 2025 by Terrell Richardson	67.7 MB
Transcribed Unedited Interview Footage 13 of 14.mp4	Feb 3, 2025 by Terrell Richardson	57.1 MB
Transcribed Unedited Interview Footage 7 of 14.mp4	Feb 3, 2025 by Terrell Richardson	318.5 MB
Transcribed Unedited Interview Footage 6 of 14.mp4	Feb 3, 2025 by Terrell Richardson	378.2 MB
Transcribed Unedited Interview Footage 8 of 14.mp4	Feb 3, 2025 by Terrell Richardson	401.4 MB
Transcript - Transcribed Unedited Interview Footage 1 of 14.pdf	Feb 3, 2025 by Terrell Richardson	325.1 KB
Transcript - Transcribed Unedited Interview Footage 10 of 14.pdf	Feb 3, 2025 by Terrell Richardson	252.7 KB
Transcript - Transcribed Unedited Interview Footage 9 of 14.pdf	Feb 3, 2025 by Terrell Richardson	338.4 KB
Transcript - Transcribed Unedited Interview Footage 7 of 14.pdf	Feb 3, 2025 by Terrell Richardson	341.9 KB
Transcript - Transcribed Unedited Interview Footage 8 of 14.pdf	Feb 3, 2025 by Terrell Richardson	347.4 KB
Transcript - Transcribed Unedited Interview Footage 5 of 14.pdf	Feb 3, 2025 by Terrell Richardson	248.9 KB

From: Patrick Webre <Patrick.Webre@fcc.gov>

Sent: Thursday, February 6, 2025 2:47 PM
To: Erin Boone <Erin.Boone@fcc.gov>; Jeffrey Riordan <Jeffrey.Riordan@fcc.gov>; Terrell Richardson <Terrell.Richardson@fcc.gov>
Cc: Adam Jackman <Adam.Jackman@fcc.gov>; Katie Gorscak <Katie.Gorscak@fcc.gov>
Subject: RE: CBS Released Video

And adding Terrell if we need his help.

Thanks.

Patrick Webre
Acting Chief, Enforcement Bureau

From: Patrick Webre
Sent: Thursday, February 6, 2025 2:47 PM
To: Erin Boone <Erin.Boone@fcc.gov>; Jeffrey Riordan <Jeffrey.Riordan@fcc.gov>
Cc: Adam Jackman <Adam.Jackman@fcc.gov>; Katie Gorscak <Katie.Gorscak@fcc.gov>
Subject: RE: CBS Released Video

If you start here: <https://us-fcc.app.box.com/s/55n6dzua6qjgo1u8pc63ulo9nf03c3/folder/305948970593>
you'll have to navigate to it manually. It's in the "TranscribedUneditedFootage" folder and the file is called "Transcribed Unedited Interview Footage 8 of 14"

Patrick Webre
Acting Chief, Enforcement Bureau

From: Erin Boone <Erin.Boone@fcc.gov>
Sent: Thursday, February 6, 2025 2:44 PM
To: Jeffrey Riordan <Jeffrey.Riordan@fcc.gov>
Cc: Adam Jackman <Adam.Jackman@fcc.gov>; Patrick Webre <Patrick.Webre@fcc.gov>; Katie Gorscak <Katie.Gorscak@fcc.gov>
Subject: RE: CBS Released Video

Hey Patrick,

So Katie from OMR (copied here) stopped by and she said that Jeff and others from the AV/OMR team are unable to access the video in Box. Jeff does have access, but he's not able to open it. Can you please loop in Terrell for help? Thanks!

Erin Boone
Senior Counsel – Media & Enforcement
Office of FCC Chairman Brendan Carr
Acting Chief, Media Bureau
202-418-0736 | erin.boone@fcc.gov

From: Erin Boone
Sent: Thursday, February 6, 2025 2:24 PM
To: Jeffrey Riordan <Jeffrey.Riordan@fcc.gov>
Cc: Adam Jackman <Adam.Jackman@fcc.gov>; Patrick Webre <Patrick.Webre@fcc.gov>
Subject: FW: CBS Released Video

Hi Jeff,

As we discussed, please find the video in the Box account link below. Please upload to the FCC YouTube page as a private link for now and let this chain know when upload is complete. Thanks!

Erin Boone
Senior Counsel – Media & Enforcement
Office of FCC Chairman Brendan Carr
Acting Chief, Media Bureau
202-418-0736 | erin.boone@fcc.gov

From: Patrick Webre <Patrick.Webre@fcc.gov>
Sent: Thursday, February 6, 2025 2:14 PM
To: Erin Boone <Erin.Boone@fcc.gov>; Adam Jackman <Adam.Jackman@fcc.gov>
Subject: CBS Released Video

I wasn't able to cut and paste the video, as it was too large. If you have access to our Box account, it's here: [Transcribed Unedited Interview Footage 8 of 14.mp4 | Powered by Box](#)

Patrick Webre
Acting Chief, Enforcement Bureau

From: Erin Boone <Erin.Boone@fcc.gov>
Sent: Thursday, February 6, 2025 3:03 PM
To: Patrick Webre <Patrick.Webre@fcc.gov>; Jeffrey Riordan <Jeffrey.Riordan@fcc.gov>; Terrell Richardson <Terrell.Richardson@fcc.gov>
Cc: Adam Jackman <Adam.Jackman@fcc.gov>; Katie Gorscak <Katie.Gorscak@fcc.gov>
Subject: RE: CBS Released Video

Just the video

Erin Boone
Senior Counsel – Media & Enforcement
Office of FCC Chairman Brendan Carr
Acting Chief, Media Bureau
202-418-0736 | erin.boone@fcc.gov

From: Patrick Webre <Patrick.Webre@fcc.gov>
Sent: Thursday, February 6, 2025 2:51 PM
To: Jeffrey Riordan <Jeffrey.Riordan@fcc.gov>; Erin Boone <Erin.Boone@fcc.gov>; Terrell Richardson <Terrell.Richardson@fcc.gov>
Cc: Adam Jackman <Adam.Jackman@fcc.gov>; Katie Gorscak <Katie.Gorscak@fcc.gov>
Subject: RE: CBS Released Video












I don't think OCH is interested in the transcript (pdf), but will let Erin confirm.

Patrick Webre
Acting Chief, Enforcement Bureau

From: Jeffrey Riordan <Jeffrey.Riordan@fcc.gov>
Sent: Thursday, February 6, 2025 2:50 PM
To: Patrick Webre <Patrick.Webre@fcc.gov>; Erin Boone <Erin.Boone@fcc.gov>; Terrell Richardson <Terrell.Richardson@fcc.gov>
Cc: Adam Jackman <Adam.Jackman@fcc.gov>; Katie Gorscak <Katie.Gorscak@fcc.gov>
Subject: Re: CBS Released Video

Ah, yes I'm in it now. I'll get it downloaded now. Thanks!

Just to verify while I download here are the 2 files I'm downloading.

NAME	UPDATED ↓	SIZE
 Transcribed Unedited Interview Footage 12 of 14.mp4	Feb 3, 2025 by Terrell Richardson	67.7 MB
 Transcribed Unedited Interview Footage 13 of 14.mp4	Feb 3, 2025 by Terrell Richardson	57.1 MB
 Transcribed Unedited Interview Footage 7 of 14.mp4	Feb 3, 2025 by Terrell Richardson	318.5 MB
 Transcribed Unedited Interview Footage 6 of 14.mp4	Feb 3, 2025 by Terrell Richardson	378.2 MB
 Transcribed Unedited Interview Footage 8 of 14.mp4	Feb 3, 2025 by Terrell Richardson	401.4 MB
 Transcript - Transcribed Unedited Interview Footage 1 of 14.pdf	Feb 3, 2025 by Terrell Richardson	325.1 KB
 Transcript - Transcribed Unedited Interview Footage 10 of 14.pdf	Feb 3, 2025 by Terrell Richardson	252.7 KB
 Transcript - Transcribed Unedited Interview Footage 9 of 14.pdf	Feb 3, 2025 by Terrell Richardson	338.4 KB
 Transcript - Transcribed Unedited Interview Footage 7 of 14.pdf	Feb 3, 2025 by Terrell Richardson	341.9 KB
 Transcript - Transcribed Unedited Interview Footage 8 of 14.pdf	Feb 3, 2025 by Terrell Richardson	347.4 KB
 Transcript - Transcribed Unedited Interview Footage 5 of 14.pdf	Feb 3, 2025 by Terrell Richardson	248.9 KB

From: Patrick Webre <Patrick.Webre@fcc.gov>
Sent: Thursday, February 6, 2025 2:47 PM
To: Erin Boone <Erin.Boone@fcc.gov>; Jeffrey Riordan <Jeffrey.Riordan@fcc.gov>; Terrell Richardson <Terrell.Richardson@fcc.gov>
Cc: Adam Jackman <Adam.Jackman@fcc.gov>; Katie Gorscak <Katie.Gorscak@fcc.gov>
Subject: RE: CBS Released Video

And adding Terrell if we need his help.

Thanks.

Patrick Webre
Acting Chief, Enforcement Bureau

From: Patrick Webre
Sent: Thursday, February 6, 2025 2:47 PM
To: Erin Boone <Erin.Boone@fcc.gov>; Jeffrey Riordan <Jeffrey.Riordan@fcc.gov>
Cc: Adam Jackman <Adam.Jackman@fcc.gov>; Katie Gorscak <Katie.Gorscak@fcc.gov>
Subject: RE: CBS Released Video

If you start here: <https://us-fcc.app.box.com/s/55n6dzu6qjgo1u8pc63ulo9nfy0i3c3/folder/305948970593>
you'll have to navigate to it manually. It's in the "TranscribedUneditedFootage" folder and the file is called "Transcribed Unedited Interview Footage 8 of 14"

Patrick Webre
Acting Chief, Enforcement Bureau

From: Erin Boone <Erin.Boone@fcc.gov>
Sent: Thursday, February 6, 2025 2:44 PM
To: Jeffrey Riordan <Jeffrey.Riordan@fcc.gov>
Cc: Adam Jackman <Adam.Jackman@fcc.gov>; Patrick Webre <Patrick.Webre@fcc.gov>; Katie Gorscak <Katie.Gorscak@fcc.gov>
Subject: RE: CBS Released Video

Hey Patrick,

So Katie from OMR (copied here) stopped by and she said that Jeff and others from the AV/OMR team are unable to access the video in Box. Jeff does have access, but he's not able to open it. Can you please loop in Terrell for help? Thanks!

Erin Boone
Senior Counsel – Media & Enforcement
Office of FCC Chairman Brendan Carr
Acting Chief, Media Bureau
202-418-0736 | erin.boone@fcc.gov

From: Erin Boone
Sent: Thursday, February 6, 2025 2:24 PM
To: Jeffrey Riordan <Jeffrey.Riordan@fcc.gov>
Cc: Adam Jackman <Adam.Jackman@fcc.gov>; Patrick Webre <Patrick.Webre@fcc.gov>
Subject: FW: CBS Released Video

Hi Jeff,

As we discussed, please find the video in the Box account link below. Please upload to the FCC YouTube page as a private link for now and let this chain know when upload is complete. Thanks!

Erin Boone
Senior Counsel – Media & Enforcement
Office of FCC Chairman Brendan Carr
Acting Chief, Media Bureau
202-418-0736 | erin.boone@fcc.gov

From: Patrick Webre <Patrick.Webre@fcc.gov>
Sent: Thursday, February 6, 2025 2:14 PM
To: Erin Boone <Erin.Boone@fcc.gov>; Adam Jackman <Adam.Jackman@fcc.gov>
Subject: CBS Released Video

I wasn't able to cut and paste the video, as it was too large. If you have access to our Box account, it's here: [Transcribed Unedited Interview Footage 8 of 14.mp4 | Powered by Box](#)

Patrick Webre
Acting Chief, Enforcement Bureau

From: [Erin Boone](#)
To: [Benjamin Arden](#)
Subject: FW: Video PN #2
Date: Thursday, February 6, 2025 4:14:00 PM
Attachments: [CBS 2.6.25 PN FINAL.docx](#)

Erin Boone
Senior Counsel – Media & Enforcement
Office of FCC Chairman Brendan Carr
Acting Chief, Media Bureau
202-418-0736 | erin.boone@fcc.gov

From: Erin Boone
Sent: Thursday, February 6, 2025 3:43 PM
To: Brendan Carr <Brendan.Carr@fcc.gov>
Subject: Video PN #2

Chairman,
Attached is the PN we will release with the video. The video is uploaded and ready to go for first thing tomorrow.

Erin Boone
Senior Counsel – Media & Enforcement
Office of FCC Chairman Brendan Carr
Acting Chief, Media Bureau
202-418-0736 | erin.boone@fcc.gov

From: [Erin Boone](#)
To: [Benjamin Arden](#); [Evan Morris](#); [Alexander Sanjenis](#); [David Brown](#)
Subject: RE: MB Docket No. 25-73
Date: Thursday, February 6, 2025 4:45:00 PM
Attachments: [CBS PN 2.0 FINAL.docx](#)

Ok, thanks to Ben for straightening me out. Attached is the final version for tomorrow.

Thanks,

Erin Boone
Senior Counsel – Media & Enforcement
Office of FCC Chairman Brendan Carr
Acting Chief, Media Bureau
202-418-0736 | erin.boone@fcc.gov

From: Erin Boone
Sent: Thursday, February 6, 2025 4:04 PM
To: Benjamin Arden <Benjamin.Arden@fcc.gov>; Evan Morris <Evan.Morris@fcc.gov>; Alexander Sanjenis <Alexander.Sanjenis@fcc.gov>; David Brown <David.Brown@fcc.gov>
Subject: RE: MB Docket No. 25-73

Folks,
Attached is the latest in redline. At this point we will shoot for tomorrow am release. I changed the dates within, but please check for any tweaks I may have missed. The video is loaded so we should be able to get this out in short order in the am. Thanks!!

Erin Boone
Senior Counsel – Media & Enforcement
Office of FCC Chairman Brendan Carr
Acting Chief, Media Bureau
202-418-0736 | erin.boone@fcc.gov

From: Benjamin Arden <Benjamin.Arden@fcc.gov>
Sent: Thursday, February 6, 2025 3:31 PM
To: Evan Morris <Evan.Morris@fcc.gov>; Erin Boone <Erin.Boone@fcc.gov>; Alexander Sanjenis <Alexander.Sanjenis@fcc.gov>; David Brown <David.Brown@fcc.gov>
Subject: Re: MB Docket No. 25-73

(b) (5)

From: Evan Morris <Evan.Morris@fcc.gov>
Sent: Thursday, February 6, 2025 3:27 PM
To: Benjamin Arden <Benjamin.Arden@fcc.gov>; Erin Boone <Erin.Boone@fcc.gov>; Alexander Sanjenis <Alexander.Sanjenis@fcc.gov>; David Brown <David.Brown@fcc.gov>
Subject: RE: MB Docket No. 25-73

Spoke to EB. Erin, Patrick is going to reach out to you directly. (b) (5)

[REDACTED]

-Evan

From: Benjamin Arden <Benjamin.Arden@fcc.gov>
Sent: Thursday, February 6, 2025 2:23 PM
To: Erin Boone <Erin.Boone@fcc.gov>; Alexander Sanjenis <Alexander.Sanjenis@fcc.gov>; David Brown <David.Brown@fcc.gov>; Evan Morris <Evan.Morris@fcc.gov>
Subject: Re: MB Docket No. 25-73

Here's a clean version (b) (5)

[REDACTED]

From: Erin Boone <Erin.Boone@fcc.gov>
Sent: Thursday, February 6, 2025 2:19 PM
To: Alexander Sanjenis <Alexander.Sanjenis@fcc.gov>; Benjamin Arden <Benjamin.Arden@fcc.gov>; David Brown <David.Brown@fcc.gov>; Evan Morris <Evan.Morris@fcc.gov>
Subject: RE: MB Docket No. 25-73

Attached are a few changes from me. (b) (5) Thanks all!

Erin Boone
Senior Counsel – Media & Enforcement
Office of FCC Chairman Brendan Carr
Acting Chief, Media Bureau
202-418-0736 | erin.boone@fcc.gov

From: Alexander Sanjenis <Alexander.Sanjenis@fcc.gov>
Sent: Thursday, February 6, 2025 2:13 PM
To: Benjamin Arden <Benjamin.Arden@fcc.gov>; David Brown <David.Brown@fcc.gov>; Erin Boone <Erin.Boone@fcc.gov>; Evan Morris <Evan.Morris@fcc.gov>
Subject: RE: MB Docket No. 25-73

Just one nit, (b) (5)

[REDACTED]

From: Benjamin Arden <Benjamin.Arden@fcc.gov>
Sent: Thursday, February 6, 2025 2:10 PM
To: David Brown <David.Brown@fcc.gov>; Erin Boone <Erin.Boone@fcc.gov>; Evan Morris <Evan.Morris@fcc.gov>; Alexander Sanjenis <Alexander.Sanjenis@fcc.gov>

Subject: Re: MB Docket No. 25-73

Thanks, again, David.

Some redlines from me, mostly revising to reflect (b) (5)

Erin, if this looks good (and subject to any objections), I think it's ready to move forward.

Also, Evan is checking with EB (b) (5) but no need for that to slow us down. Just need to lock it down before release.

From: David Brown <David.Brown@fcc.gov>
Sent: Thursday, February 6, 2025 1:38 PM
To: Benjamin Arden <Benjamin.Arden@fcc.gov>; Erin Boone <Erin.Boone@fcc.gov>; Evan Morris <Evan.Morris@fcc.gov>; Alexander Sanjenis <Alexander.Sanjenis@fcc.gov>
Subject: RE: MB Docket No. 25-73

Attached is the supplemental PN. Much thanks to Evan and Jeremy Miller in Video.

From: Benjamin Arden <Benjamin.Arden@fcc.gov>
Sent: Thursday, February 6, 2025 12:40 PM
To: David Brown <David.Brown@fcc.gov>; Erin Boone <Erin.Boone@fcc.gov>; Evan Morris <Evan.Morris@fcc.gov>; Alexander Sanjenis <Alexander.Sanjenis@fcc.gov>
Subject: Re: MB Docket No. 25-73

Okay, thanks. (b) (5)

From: David Brown <David.Brown@fcc.gov>
Sent: Thursday, February 6, 2025 12:36 PM
To: Benjamin Arden <Benjamin.Arden@fcc.gov>; Erin Boone <Erin.Boone@fcc.gov>; Evan Morris <Evan.Morris@fcc.gov>; Alexander Sanjenis <Alexander.Sanjenis@fcc.gov>
Subject: RE: MB Docket No. 25-73

The following is for express comments but I assume they will see the link when they get to the link I provided. <https://www.fcc.gov/ecfs/filings/express>

From: David Brown
Sent: Thursday, February 6, 2025 12:32 PM
To: Benjamin Arden <Benjamin.Arden@fcc.gov>; Erin Boone <Erin.Boone@fcc.gov>; Evan Morris <Evan.Morris@fcc.gov>; Alexander Sanjenis <Alexander.Sanjenis@fcc.gov>
Subject: RE: MB Docket No. 25-73

<https://www.fcc.gov/filings/standard>

From: Benjamin Arden <Benjamin.Arden@fcc.gov>
Sent: Thursday, February 6, 2025 12:24 PMs
To: David Brown <David.Brown@fcc.gov>; Erin Boone <Erin.Boone@fcc.gov>; Evan Morris <Evan.Morris@fcc.gov>; Alexander Sanjenis <Alexander.Sanjenis@fcc.gov>
Subject: Re: MB Docket No. 25-73

Can you send me the link you are using? (b) (5)

From: David Brown <David.Brown@fcc.gov>
Sent: Thursday, February 6, 2025 12:19 PM
To: Erin Boone <Erin.Boone@fcc.gov>; Evan Morris <Evan.Morris@fcc.gov>; Benjamin Arden <Benjamin.Arden@fcc.gov>; Alexander Sanjenis <Alexander.Sanjenis@fcc.gov>
Subject: RE: MB Docket No. 25-73

Just to add. (b) (5)

From: Erin Boone <Erin.Boone@fcc.gov>
Sent: Thursday, February 6, 2025 11:57 AM
To: Evan Morris <Evan.Morris@fcc.gov>; David Brown <David.Brown@fcc.gov>; Benjamin Arden <Benjamin.Arden@fcc.gov>; Alexander Sanjenis <Alexander.Sanjenis@fcc.gov>
Subject: RE: MB Docket No. 25-73

All,

I spoke to the Chairman and he said that a PN is fine. (b) (5)

The purpose of this is (b) (5)

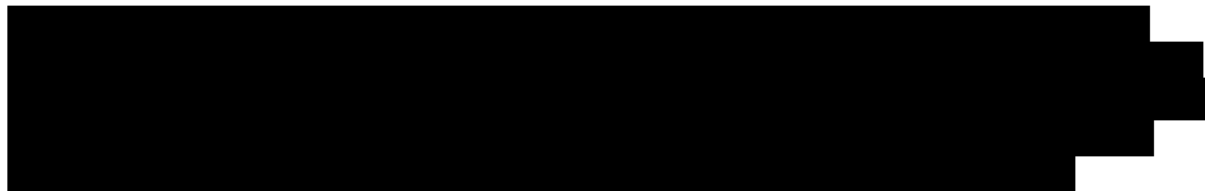

That was very long winded, but all that to say, (b) (5)

David – can you or someone from your team put the draft together and send it to me asap? I will get working on the video with EB and OMR. Thanks and please let me know if you have any questions!

Erin Boone
Senior Counsel – Media & Enforcement
Office of FCC Chairman Brendan Carr
Acting Chief, Media Bureau
202-418-0736 | erin.boone@fcc.gov

From: Evan Morris <Evan.Morris@fcc.gov>
Sent: Thursday, February 6, 2025 10:25 AM
To: David Brown <David.Brown@fcc.gov>; Benjamin Arden <Benjamin.Arden@fcc.gov>; Erin Boone <Erin.Boone@fcc.gov>; Alexander Sanjenis <Alexander.Sanjenis@fcc.gov>
Subject: RE: MB Docket No. 25-73

(b) (5)




FYI, I need to jump offline at 10:40am to (b) (6)
Will be back on by 11am.

E

From: David Brown <David.Brown@fcc.gov>
Sent: Thursday, February 6, 2025 10:07 AM
To: Benjamin Arden <Benjamin.Arden@fcc.gov>; Erin Boone <Erin.Boone@fcc.gov>; Alexander Sanjenis <Alexander.Sanjenis@fcc.gov>; Evan Morris <Evan.Morris@fcc.gov>
Subject: RE: MB Docket No. 25-73

My only opinion would be that (b) (5)



From: Benjamin Arden <Benjamin.Arden@fcc.gov>
Sent: Thursday, February 6, 2025 10:03 AM
To: Erin Boone <Erin.Boone@fcc.gov>; Alexander Sanjenis <Alexander.Sanjenis@fcc.gov>; Evan Morris <Evan.Morris@fcc.gov>
Cc: David Brown <David.Brown@fcc.gov>
Subject: Re: MB Docket No. 25-73

Sorry, just back from (b) (6)





(b) (5)



From: Erin Boone <Erin.Boone@fcc.gov>
Sent: Thursday, February 6, 2025 9:55 AM
To: Alexander Sanjenis <Alexander.Sanjenis@fcc.gov>; Evan Morris <Evan.Morris@fcc.gov>; Benjamin Arden <Benjamin.Arden@fcc.gov>
Cc: David Brown <David.Brown@fcc.gov>
Subject: RE: MB Docket No. 25-73

(b) (5)

Erin Boone
Senior Counsel – Media & Enforcement
Office of FCC Chairman Brendan Carr
Acting Chief, Media Bureau
202-418-0736 | erin.boone@fcc.gov

From: Alexander Sanjenis <Alexander.Sanjenis@fcc.gov>
Sent: Thursday, February 6, 2025 9:52 AM
To: Evan Morris <Evan.Morris@fcc.gov>; Erin Boone <Erin.Boone@fcc.gov>; Benjamin Arden <Benjamin.Arden@fcc.gov>
Cc: David Brown <David.Brown@fcc.gov>
Subject: RE: MB Docket No. 25-73

(b) (5)



From: Evan Morris <Evan.Morris@fcc.gov>
Sent: Thursday, February 6, 2025 9:48 AM
To: Erin Boone <Erin.Boone@fcc.gov>; Benjamin Arden <Benjamin.Arden@fcc.gov>; Alexander Sanjenis <Alexander.Sanjenis@fcc.gov>
Cc: David Brown <David.Brown@fcc.gov>
Subject: Re: MB Docket No. 25-73

And I just asked the ECFS team. (b) (5)

From: Erin Boone <Erin.Boone@fcc.gov>
Sent: Thursday, February 6, 2025 9:45:24 AM
To: Evan Morris <Evan.Morris@fcc.gov>; Benjamin Arden <Benjamin.Arden@fcc.gov>; Alexander Sanjenis <Alexander.Sanjenis@fcc.gov>
Cc: David Brown <David.Brown@fcc.gov>
Subject: RE: MB Docket No. 25-73

Duh. That makes sense. Ben, do you agree? I think it totally makes sense just to do one of these two things if we can. Let me ask Jackman if this is possible. (b) (5)
Will find out.

Erin Boone

Senior Counsel – Media & Enforcement

Office of FCC Chairman Brendan Carr


Acting Chief, Media Bureau

202-418-0736 | erin.boone@fcc.gov

From: Evan Morris <Evan.Morris@fcc.gov>
Sent: Thursday, February 6, 2025 9:37 AM
To: Erin Boone <Erin.Boone@fcc.gov>; Benjamin Arden <Benjamin.Arden@fcc.gov>; Alexander Sanjenis <Alexander.Sanjenis@fcc.gov>
Cc: David Brown <David.Brown@fcc.gov>

Subject: Re: MB Docket No. 25-73

I can look into that. (b) (5)



Evan

From: Erin Boone <Erin.Boone@fcc.gov>

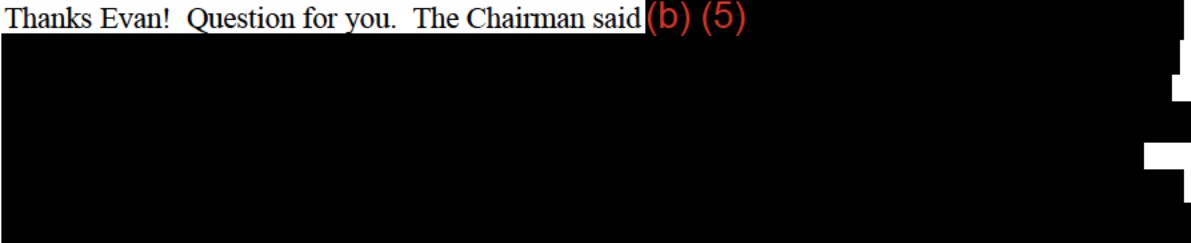
Sent: Thursday, February 6, 2025 9:21:36 AM

To: Evan Morris <Evan.Morris@fcc.gov>; Benjamin Arden <Benjamin.Arden@fcc.gov>; Alexander Sanjenis <Alexander.Sanjenis@fcc.gov>

Cc: David Brown <David.Brown@fcc.gov>

Subject: RE: MB Docket No. 25-73

Thanks Evan! Question for you. The Chairman said (b) (5)



Happy to discuss if you have questions. He would like this to happen today if possible.

Thanks!

Erin Boone

Senior Counsel – Media & Enforcement

Office of FCC Chairman Brendan Carr

Acting Chief, Media Bureau

202-418-0736 | erin.boone@fcc.gov

From: Evan Morris <Evan.Morris@fcc.gov>
Sent: Thursday, February 6, 2025 8:56 AM
To: Erin Boone <Erin.Boone@fcc.gov>; Benjamin Arden <Benjamin.Arden@fcc.gov>; Alexander Sanjenis <Alexander.Sanjenis@fcc.gov>
Cc: David Brown <David.Brown@fcc.gov>
Subject: Re: MB Docket No. 25-73

Upload to ECFS is complete and should appear around 11am.

-E

From: Erin Boone <Erin.Boone@fcc.gov>
Sent: Wednesday, February 5, 2025 6:28:05 PM
To: Benjamin Arden <Benjamin.Arden@fcc.gov>; Evan Morris <Evan.Morris@fcc.gov>; Alexander Sanjenis <Alexander.Sanjenis@fcc.gov>
Cc: David Brown <David.Brown@fcc.gov>
Subject: RE: MB Docket No. 25-73

Agree. Thanks for running it down.

Erin Boone

Senior Counsel – Media & Enforcement

Office of FCC Chairman Brendan Carr

Acting Chief, Media Bureau

202-418-0736 | erin.boone@fcc.gov

From: Benjamin Arden <Benjamin.Arden@fcc.gov>
Sent: Wednesday, February 5, 2025 6:25 PM
To: Evan Morris <Evan.Morris@fcc.gov>; Erin Boone <Erin.Boone@fcc.gov>; Alexander Sanjenis <Alexander.Sanjenis@fcc.gov>
Cc: David Brown <David.Brown@fcc.gov>
Subject: Re: MB Docket No. 25-73

That works. (b) (5) The docket can come together tomorrow morning.

From: Evan Morris <Evan.Morris@fcc.gov>
Sent: Wednesday, February 5, 2025 6:14 PM
To: Benjamin Arden <Benjamin.Arden@fcc.gov>; Erin Boone <Erin.Boone@fcc.gov>; Alexander Sanjenis <Alexander.Sanjenis@fcc.gov>
Cc: David Brown <David.Brown@fcc.gov>
Subject: RE: MB Docket No. 25-73

So based on what I've been able to piece together, the way ECFS works even if it was uploaded now it wouldn't appear in ECFS until tomorrow at 11am. The only other way to have done it today was to attach it to the EDOCS transmittal. So I've passed it on to get it uploaded first thing in the AM.

-Evan

From: Benjamin Arden <Benjamin.Arden@fcc.gov>
Sent: Wednesday, February 5, 2025 5:45 PM
To: Evan Morris <Evan.Morris@fcc.gov>; Erin Boone <Erin.Boone@fcc.gov>; Alexander Sanjenis <Alexander.Sanjenis@fcc.gov>
Cc: David Brown <David.Brown@fcc.gov>
Subject: Re: MB Docket No. 25-73

Please go ahead with trying to get the complaint in the docket.

(b) (5)

From: Evan Morris <Evan.Morris@fcc.gov>
Sent: Wednesday, February 5, 2025 5:43 PM
To: Benjamin Arden <Benjamin.Arden@fcc.gov>; Erin Boone <Erin.Boone@fcc.gov>; Alexander Sanjenis <Alexander.Sanjenis@fcc.gov>
Cc: David Brown <David.Brown@fcc.gov>
Subject: RE: MB Docket No. 25-73

Okay, trying to find someone that can make that happen unless told otherwise.

(b) (5)

We could get that updated if desired, but may not be able to happen until tomorrow AM. LMK.

-E

From: Benjamin Arden <Benjamin.Arden@fcc.gov>
Sent: Wednesday, February 5, 2025 5:38 PM
To: Evan Morris <Evan.Morris@fcc.gov>; Erin Boone <Erin.Boone@fcc.gov>; Alexander Sanjenis <Alexander.Sanjenis@fcc.gov>
Cc: David Brown <David.Brown@fcc.gov>
Subject: Re: MB Docket No. 25-73

I believe it still needs to happen.

From: Evan Morris <Evan.Morris@fcc.gov>
Sent: Wednesday, February 5, 2025 5:25 PM
To: Benjamin Arden <Benjamin.Arden@fcc.gov>; Erin Boone <Erin.Boone@fcc.gov>; Alexander Sanjenis <Alexander.Sanjenis@fcc.gov>
Cc: David Brown <David.Brown@fcc.gov>

Subject: MB Docket No. 25-73

Hi all,

David pointed out that the complaint is not appearing in ECFS. In the PN, FN1 we state that a copy would be placed in the docket. It currently doesn't appear, is that in process or is help needed making that happen?

-Evan

Evan Morris

Associate Bureau Chief, Media Bureau

45 L Street, NE

Washington, DC 20554

Phone: 202-418-1656

E-mail: evan.morris@fcc.gov

From: [Erin Boone](#)
To: [Evan Morris](#); [Alexander Sanjenis](#); [Benjamin Arden](#); [David Brown](#)
Subject: RE: MB Docket No. 25-73
Date: Friday, February 7, 2025 8:33:00 AM

The link is still private until we are ready to release. I have to tell Adam to make it public. Will do after I get out of this meeting

Erin Boone
Senior Counsel – Media & Enforcement
Office of FCC Chairman Brendan Carr
Acting Chief, Media Bureau
202-418-0736 | erin.boone@fcc.gov

From: Evan Morris <Evan.Morris@fcc.gov>
Sent: Friday, February 7, 2025 8:32 AM
To: Erin Boone <Erin.Boone@fcc.gov>; Alexander Sanjenis <Alexander.Sanjenis@fcc.gov>; Benjamin Arden <Benjamin.Arden@fcc.gov>; David Brown <David.Brown@fcc.gov>
Subject: Re: MB Docket No. 25-73

For what it's worth, I clicked on the link and it asks for a sign-in. Figuring once released it'll go live, but wanted to flag just in case.

Otherwise nothing from me.

From: Erin Boone <Erin.Boone@fcc.gov>
Sent: Friday, February 7, 2025 8:23:39 AM
To: Alexander Sanjenis <Alexander.Sanjenis@fcc.gov>; Benjamin Arden <Benjamin.Arden@fcc.gov>; Evan Morris <Evan.Morris@fcc.gov>; David Brown <David.Brown@fcc.gov>
Subject: RE: MB Docket No. 25-73

Yes, please embed the link into "materials." Thanks!

Erin Boone
Senior Counsel – Media & Enforcement
Office of FCC Chairman Brendan Carr
Acting Chief, Media Bureau
202-418-0736 | erin.boone@fcc.gov

From: Alexander Sanjenis <Alexander.Sanjenis@fcc.gov>
Sent: Friday, February 7, 2025 8:21 AM
To: Erin Boone <Erin.Boone@fcc.gov>; Benjamin Arden <Benjamin.Arden@fcc.gov>; Evan Morris <Evan.Morris@fcc.gov>; David Brown <David.Brown@fcc.gov>
Subject: RE: MB Docket No. 25-73

Hi everyone,

Good morning. Attached is the version for today's release.

Erin, I added the link below in FN2. Did you also want the link embedded into "materials" in the second paragraph? It was highlighted in the version you sent me.

It's setup in EDOCS so just need to confirm everyone likes this and it's good to go!!

From: Erin Boone <Erin.Boone@fcc.gov>
Sent: Thursday, February 6, 2025 5:40 PM
To: Alexander Sanjenis <Alexander.Sanjenis@fcc.gov>; Benjamin Arden <Benjamin.Arden@fcc.gov>; Evan Morris <Evan.Morris@fcc.gov>; David Brown <David.Brown@fcc.gov>
Subject: RE: MB Docket No. 25-73

All,
Below is the link to the video. I wasn't using my head earlier. Adam does not need to add the link this time since we know the private and public versions of it are the same. I will let you all take care of adding it into the latest version of the PN that I just sent, lest I mess something up again. In any event, we will deal with this tomorrow morning! Thank you for all the great work again today.

https://youtu.be/iO_pai9kwZc

Erin Boone
Senior Counsel – Media & Enforcement
Office of FCC Chairman Brendan Carr
Acting Chief, Media Bureau
202-418-0736 | erin.boone@fcc.gov

From: Erin Boone
Sent: Thursday, February 6, 2025 5:07 PM
To: Alexander Sanjenis <Alexander.Sanjenis@fcc.gov>; Benjamin Arden <Benjamin.Arden@fcc.gov>; Evan Morris <Evan.Morris@fcc.gov>; David Brown <David.Brown@fcc.gov>
Subject: RE: MB Docket No. 25-73

Yeah we don't have the link yet. Adam will add it in and send the PN back. He is the only one who has access to the private file on the FCC youtube. Once we are about to release tomorrow he will turn it to public.

Erin Boone
Senior Counsel – Media & Enforcement
Office of FCC Chairman Brendan Carr
Acting Chief, Media Bureau
202-418-0736 | erin.boone@fcc.gov

From: Alexander Sanjenis <Alexander.Sanjenis@fcc.gov>
Sent: Thursday, February 6, 2025 4:58 PM
To: Erin Boone <Erin.Boone@fcc.gov>; Benjamin Arden <Benjamin.Arden@fcc.gov>; Evan Morris <Evan.Morris@fcc.gov>; David Brown <David.Brown@fcc.gov>
Subject: RE: MB Docket No. 25-73

Oh also I noticed FN2 is missing the link.

From: Alexander Sanjenis
Sent: Thursday, February 6, 2025 4:58 PM
To: Erin Boone <Erin.Boone@fcc.gov>; Benjamin Arden <Benjamin.Arden@fcc.gov>; Evan Morris <Evan.Morris@fcc.gov>; David Brown <David.Brown@fcc.gov>
Subject: RE: MB Docket No. 25-73

What time does BC want this to go out?

From: Erin Boone <Erin.Boone@fcc.gov>
Sent: Thursday, February 6, 2025 4:45 PM
To: Benjamin Arden <Benjamin.Arden@fcc.gov>; Evan Morris <Evan.Morris@fcc.gov>; Alexander Sanjenis <Alexander.Sanjenis@fcc.gov>; David Brown <David.Brown@fcc.gov>
Subject: RE: MB Docket No. 25-73

Ok, thanks to Ben for straightening me out. Attached is the final version for tomorrow.

Thanks,

Erin Boone
Senior Counsel – Media & Enforcement
Office of FCC Chairman Brendan Carr
Acting Chief, Media Bureau
202-418-0736 | erin.boone@fcc.gov

From: Erin Boone
Sent: Thursday, February 6, 2025 4:04 PM
To: Benjamin Arden <Benjamin.Arden@fcc.gov>; Evan Morris <Evan.Morris@fcc.gov>; Alexander Sanjenis <Alexander.Sanjenis@fcc.gov>; David Brown <David.Brown@fcc.gov>
Subject: RE: MB Docket No. 25-73

Folks,
Attached is the latest in redline. At this point we will shoot for tomorrow am release. I changed the dates within, but please check for any tweaks I may have missed. The video is loaded so we should be able to get this out in short order in the am. Thanks!!

Erin Boone
Senior Counsel – Media & Enforcement
Office of FCC Chairman Brendan Carr

Acting Chief, Media Bureau
202-418-0736 | erin.boone@fcc.gov

From: Benjamin Arden <Benjamin.Arden@fcc.gov>
Sent: Thursday, February 6, 2025 3:31 PM
To: Evan Morris <Evan.Morris@fcc.gov>; Erin Boone <Erin.Boone@fcc.gov>; Alexander Sanjenis <Alexander.Sanjenis@fcc.gov>; David Brown <David.Brown@fcc.gov>
Subject: Re: MB Docket No. 25-73

(b) (5)

From: Evan Morris <Evan.Morris@fcc.gov>
Sent: Thursday, February 6, 2025 3:27 PM
To: Benjamin Arden <Benjamin.Arden@fcc.gov>; Erin Boone <Erin.Boone@fcc.gov>; Alexander Sanjenis <Alexander.Sanjenis@fcc.gov>; David Brown <David.Brown@fcc.gov>
Subject: RE: MB Docket No. 25-73

Spoke to EB. Erin, Patrick is going to reach out to you directly. (b) (5)

-Evan

From: Benjamin Arden <Benjamin.Arden@fcc.gov>
Sent: Thursday, February 6, 2025 2:23 PM
To: Erin Boone <Erin.Boone@fcc.gov>; Alexander Sanjenis <Alexander.Sanjenis@fcc.gov>; David Brown <David.Brown@fcc.gov>; Evan Morris <Evan.Morris@fcc.gov>
Subject: Re: MB Docket No. 25-73

Here's a clean version (b) (5)

From: Erin Boone <Erin.Boone@fcc.gov>
Sent: Thursday, February 6, 2025 2:19 PM
To: Alexander Sanjenis <Alexander.Sanjenis@fcc.gov>; Benjamin Arden <Benjamin.Arden@fcc.gov>; David Brown <David.Brown@fcc.gov>; Evan Morris <Evan.Morris@fcc.gov>
Subject: RE: MB Docket No. 25-73

Attached are a few changes from me. (b) (5) Thanks all!

Erin Boone
Senior Counsel – Media & Enforcement
Office of FCC Chairman Brendan Carr
Acting Chief, Media Bureau

202-418-0736 | erin.boone@fcc.gov

From: Alexander Sanjenis <Alexander.Sanjenis@fcc.gov>
Sent: Thursday, February 6, 2025 2:13 PM
To: Benjamin Arden <Benjamin.Arden@fcc.gov>; David Brown <David.Brown@fcc.gov>; Erin Boone <Erin.Boone@fcc.gov>; Evan Morris <Evan.Morris@fcc.gov>
Subject: RE: MB Docket No. 25-73

Just one nit, (b) (5)

From: Benjamin Arden <Benjamin.Arden@fcc.gov>
Sent: Thursday, February 6, 2025 2:10 PM
To: David Brown <David.Brown@fcc.gov>; Erin Boone <Erin.Boone@fcc.gov>; Evan Morris <Evan.Morris@fcc.gov>; Alexander Sanjenis <Alexander.Sanjenis@fcc.gov>
Subject: Re: MB Docket No. 25-73

Thanks, again, David.

Some redlines from me, mostly revising to reflect (b) (5)

Erin, if this looks good (and subject to any objections), I think it's ready to move forward.

Also, Evan is checking with EB (b) (5)

Just need to lock it down before release.

From: David Brown <David.Brown@fcc.gov>
Sent: Thursday, February 6, 2025 1:38 PM
To: Benjamin Arden <Benjamin.Arden@fcc.gov>; Erin Boone <Erin.Boone@fcc.gov>; Evan Morris <Evan.Morris@fcc.gov>; Alexander Sanjenis <Alexander.Sanjenis@fcc.gov>
Subject: RE: MB Docket No. 25-73

Attached is the supplemental PN. Much thanks to Evan and Jeremy Miller in Video.

From: Benjamin Arden <Benjamin.Arden@fcc.gov>
Sent: Thursday, February 6, 2025 12:40 PM
To: David Brown <David.Brown@fcc.gov>; Erin Boone <Erin.Boone@fcc.gov>; Evan Morris <Evan.Morris@fcc.gov>; Alexander Sanjenis <Alexander.Sanjenis@fcc.gov>
Subject: Re: MB Docket No. 25-73

Okay, thanks. (b) (5)

From: David Brown <David.Brown@fcc.gov>
Sent: Thursday, February 6, 2025 12:36 PM
To: Benjamin Arden <Benjamin.Arden@fcc.gov>; Erin Boone <Erin.Boone@fcc.gov>; Evan Morris <Evan.Morris@fcc.gov>; Alexander Sanjenis <Alexander.Sanjenis@fcc.gov>
Subject: RE: MB Docket No. 25-73

The following is for express comments but I assume they will see the link when they get to the link I provided. <https://www.fcc.gov/ecfs/filings/express>

From: David Brown
Sent: Thursday, February 6, 2025 12:32 PM
To: Benjamin Arden <Benjamin.Arden@fcc.gov>; Erin Boone <Erin.Boone@fcc.gov>; Evan Morris <Evan.Morris@fcc.gov>; Alexander Sanjenis <Alexander.Sanjenis@fcc.gov>
Subject: RE: MB Docket No. 25-73

<https://www.fcc.gov/filings/standard>

From: Benjamin Arden <Benjamin.Arden@fcc.gov>
Sent: Thursday, February 6, 2025 12:24 PMs
To: David Brown <David.Brown@fcc.gov>; Erin Boone <Erin.Boone@fcc.gov>; Evan Morris <Evan.Morris@fcc.gov>; Alexander Sanjenis <Alexander.Sanjenis@fcc.gov>
Subject: Re: MB Docket No. 25-73

Can you send me the link you are using? (b) (5)

From: David Brown <David.Brown@fcc.gov>
Sent: Thursday, February 6, 2025 12:19 PM
To: Erin Boone <Erin.Boone@fcc.gov>; Evan Morris <Evan.Morris@fcc.gov>; Benjamin Arden <Benjamin.Arden@fcc.gov>; Alexander Sanjenis <Alexander.Sanjenis@fcc.gov>
Subject: RE: MB Docket No. 25-73

Just to add. (b) (5)

From: Erin Boone <Erin.Boone@fcc.gov>
Sent: Thursday, February 6, 2025 11:57 AM
To: Evan Morris <Evan.Morris@fcc.gov>; David Brown <David.Brown@fcc.gov>; Benjamin Arden <Benjamin.Arden@fcc.gov>; Alexander Sanjenis <Alexander.Sanjenis@fcc.gov>
Subject: RE: MB Docket No. 25-73

All,

I spoke to the Chairman and he said that a PN is fine. (b) (5)

The purpose of this is that (b) (5)

That was very long winded, but all that to say, this PN should be very brief.

David – can you or someone from your team put the draft together and send it to me asap? I will get working on the video with EB and OMR. Thanks and please let me know if you have any questions!

Erin Boone
Senior Counsel – Media & Enforcement
Office of FCC Chairman Brendan Carr
Acting Chief, Media Bureau
202-418-0736 | erin.boone@fcc.gov

From: Evan Morris <Evan.Morris@fcc.gov>

Sent: Thursday, February 6, 2025 10:25 AM

To: David Brown <David.Brown@fcc.gov>; Benjamin Arden <Benjamin.Arden@fcc.gov>; Erin Boone <Erin.Boone@fcc.gov>; Alexander Sanjenis <Alexander.Sanjenis@fcc.gov>

Subject: RE: MB Docket No. 25-73

(b) (5)

FYI, I need to jump offline at 10:40am to (b) (6)

Will be back on by 11am.

E

From: David Brown <David.Brown@fcc.gov>

Sent: Thursday, February 6, 2025 10:07 AM

To: Benjamin Arden <Benjamin.Arden@fcc.gov>; Erin Boone <Erin.Boone@fcc.gov>; Alexander Sanjenis <Alexander.Sanjenis@fcc.gov>; Evan Morris <Evan.Morris@fcc.gov>

Subject: RE: MB Docket No. 25-73

My only opinion would be that (b) (5)

[REDACTED]

From: Benjamin Arden <Benjamin.Arden@fcc.gov>

Sent: Thursday, February 6, 2025 10:03 AM

To: Erin Boone <Erin.Boone@fcc.gov>; Alexander Sanjenis <Alexander.Sanjenis@fcc.gov>; Evan Morris <Evan.Morris@fcc.gov>

Cc: David Brown <David.Brown@fcc.gov>

Subject: Re: MB Docket No. 25-73

Sorry, just back from (b) (6)

[REDACTED]

(b) (5)

[REDACTED]

From: Erin Boone <Erin.Boone@fcc.gov>

Sent: Thursday, February 6, 2025 9:55 AM

To: Alexander Sanjenis <Alexander.Sanjenis@fcc.gov>; Evan Morris <Evan.Morris@fcc.gov>; Benjamin Arden <Benjamin.Arden@fcc.gov>

Cc: David Brown <David.Brown@fcc.gov>

Subject: RE: MB Docket No. 25-73

(b) (5)

[REDACTED]

Erin Boone

Senior Counsel – Media & Enforcement


Office of FCC Chairman Brendan Carr

Acting Chief, Media Bureau

202-418-0736 | erin.boone@fcc.gov

From: Alexander Sanjenis <Alexander.Sanjenis@fcc.gov>
Sent: Thursday, February 6, 2025 9:52 AM
To: Evan Morris <Evan.Morris@fcc.gov>; Erin Boone <Erin.Boone@fcc.gov>; Benjamin Arden <Benjamin.Arden@fcc.gov>
Cc: David Brown <David.Brown@fcc.gov>
Subject: RE: MB Docket No. 25-73

(b) (5)



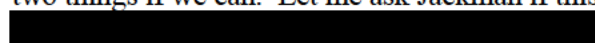
From: Evan Morris <Evan.Morris@fcc.gov>
Sent: Thursday, February 6, 2025 9:48 AM
To: Erin Boone <Erin.Boone@fcc.gov>; Benjamin Arden <Benjamin.Arden@fcc.gov>; Alexander Sanjenis <Alexander.Sanjenis@fcc.gov>
Cc: David Brown <David.Brown@fcc.gov>
Subject: Re: MB Docket No. 25-73

And I just asked the ECFS team. (b) (5)



From: Erin Boone <Erin.Boone@fcc.gov>
Sent: Thursday, February 6, 2025 9:45:24 AM
To: Evan Morris <Evan.Morris@fcc.gov>; Benjamin Arden <Benjamin.Arden@fcc.gov>; Alexander Sanjenis <Alexander.Sanjenis@fcc.gov>
Cc: David Brown <David.Brown@fcc.gov>
Subject: RE: MB Docket No. 25-73

Duh. That makes sense. Ben, do you agree? I think it totally makes sense just to do one of these two things if we can. Let me ask Jackman if this is possible. (b) (5)






Erin Boone

Senior Counsel – Media & Enforcement
Office of FCC Chairman Brendan Carr
Acting Chief, Media Bureau
202-418-0736 | erin.boone@fcc.gov

From: Evan Morris <Evan.Morris@fcc.gov>
Sent: Thursday, February 6, 2025 9:37 AM
To: Erin Boone <Erin.Boone@fcc.gov>; Benjamin Arden <Benjamin.Arden@fcc.gov>; Alexander Sanjenis <Alexander.Sanjenis@fcc.gov>
Cc: David Brown <David.Brown@fcc.gov>
Subject: Re: MB Docket No. 25-73

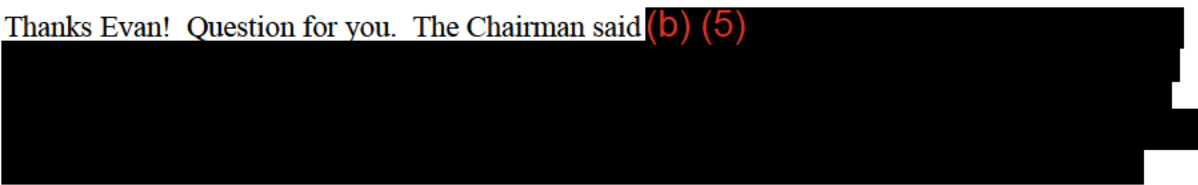
I can look into that. (b) (5)



Evan

From: Erin Boone <Erin.Boone@fcc.gov>
Sent: Thursday, February 6, 2025 9:21:36 AM
To: Evan Morris <Evan.Morris@fcc.gov>; Benjamin Arden <Benjamin.Arden@fcc.gov>; Alexander Sanjenis <Alexander.Sanjenis@fcc.gov>
Cc: David Brown <David.Brown@fcc.gov>
Subject: RE: MB Docket No. 25-73

Thanks Evan! Question for you. The Chairman said (b) (5)



(b) (5)

Happy to discuss if you have questions. He would like this to happen today if possible.

Thanks!

Erin Boone

Senior Counsel – Media & Enforcement

Office of FCC Chairman Brendan Carr

Acting Chief, Media Bureau

202-418-0736 | erin.boone@fcc.gov

From: Evan Morris <Evan.Morris@fcc.gov>

Sent: Thursday, February 6, 2025 8:56 AM

To: Erin Boone <Erin.Boone@fcc.gov>; Benjamin Arden <Benjamin.Arden@fcc.gov>; Alexander Sanjenis <Alexander.Sanjenis@fcc.gov>

Cc: David Brown <David.Brown@fcc.gov>

Subject: Re: MB Docket No. 25-73

Upload to ECFS is complete and should appear around 11am.

-E

From: Erin Boone <Erin.Boone@fcc.gov>

Sent: Wednesday, February 5, 2025 6:28:05 PM

To: Benjamin Arden <Benjamin.Arden@fcc.gov>; Evan Morris <Evan.Morris@fcc.gov>; Alexander Sanjenis <Alexander.Sanjenis@fcc.gov>

Cc: David Brown <David.Brown@fcc.gov>

Subject: RE: MB Docket No. 25-73

Agree. Thanks for running it down.

Erin Boone

Senior Counsel – Media & Enforcement

Office of FCC Chairman Brendan Carr

Acting Chief, Media Bureau

202-418-0736 | erin.boone@fcc.gov

From: Benjamin Arden <Benjamin.Arden@fcc.gov>
Sent: Wednesday, February 5, 2025 6:25 PM
To: Evan Morris <Evan.Morris@fcc.gov>; Erin Boone <Erin.Boone@fcc.gov>; Alexander Sanjenis <Alexander.Sanjenis@fcc.gov>
Cc: David Brown <David.Brown@fcc.gov>
Subject: Re: MB Docket No. 25-73

That works. (b) (5) . The docket can come together tomorrow morning.

From: Evan Morris <Evan.Morris@fcc.gov>
Sent: Wednesday, February 5, 2025 6:14 PM
To: Benjamin Arden <Benjamin.Arden@fcc.gov>; Erin Boone <Erin.Boone@fcc.gov>; Alexander Sanjenis <Alexander.Sanjenis@fcc.gov>
Cc: David Brown <David.Brown@fcc.gov>
Subject: RE: MB Docket No. 25-73

So based on what I've been able to piece together, the way ECFS works even if it was uploaded now it wouldn't appear in ECFS until tomorrow at 11am. The only other way to have done it today was to attach it to the EDOCS transmittal. So I've passed it on to get it uploaded first thing in the AM.

-Evan

From: Benjamin Arden <Benjamin.Arden@fcc.gov>
Sent: Wednesday, February 5, 2025 5:45 PM
To: Evan Morris <Evan.Morris@fcc.gov>; Erin Boone <Erin.Boone@fcc.gov>; Alexander Sanjenis <Alexander.Sanjenis@fcc.gov>
Cc: David Brown <David.Brown@fcc.gov>
Subject: Re: MB Docket No. 25-73

Please go ahead with trying to get the complaint in the docket.

(b) (5)

From: Evan Morris <Evan.Morris@fcc.gov>
Sent: Wednesday, February 5, 2025 5:43 PM
To: Benjamin Arden <Benjamin.Arden@fcc.gov>; Erin Boone <Erin.Boone@fcc.gov>; Alexander Sanjenis <Alexander.Sanjenis@fcc.gov>
Cc: David Brown <David.Brown@fcc.gov>
Subject: RE: MB Docket No. 25-73

Okay, trying to find someone that can make that happen unless told otherwise.

(b) (5)

We could get that updated if desired, but may not be able to happen until tomorrow AM. LMK.

-E

From: Benjamin Arden <Benjamin.Arden@fcc.gov>
Sent: Wednesday, February 5, 2025 5:38 PM
To: Evan Morris <Evan.Morris@fcc.gov>; Erin Boone <Erin.Boone@fcc.gov>; Alexander Sanjenis

<Alexander.Sanjenis@fcc.gov>

Cc: David Brown <David.Brown@fcc.gov>

Subject: Re: MB Docket No. 25-73

I believe it still needs to happen.

From: Evan Morris <Evan.Morris@fcc.gov>

Sent: Wednesday, February 5, 2025 5:25 PM

To: Benjamin Arden <Benjamin.Arden@fcc.gov>; Erin Boone <Erin.Boone@fcc.gov>; Alexander Sanjenis <Alexander.Sanjenis@fcc.gov>

Cc: David Brown <David.Brown@fcc.gov>

Subject: MB Docket No. 25-73

Hi all,

David pointed out that the complaint is not appearing in ECFS. In the PN, FN1 we state that a copy would be placed in the docket. It currently doesn't appear, is that in process or is help needed making that happen?

-Evan

Evan Morris

Associate Bureau Chief, Media Bureau

45 L Street, NE

Washington, DC 20554

Phone: 202-418-1656

E-mail: evan.morris@fcc.gov

From: [Erin Boone](#)
To: [Tia Cromwell](#); [Alexander Sanjenis](#); [Katie Gorscak](#); [Will Wiquist](#); [Ismari Cueto](#); [Adam Jackman](#)
Cc: [FCCWEB](#)
Subject: RE: PN for Today's Release
Date: Friday, February 7, 2025 11:10:00 AM

Thanks all!

Erin Boone
Senior Counsel – Media & Enforcement
Office of FCC Chairman Brendan Carr
Acting Chief, Media Bureau
202-418-0736 | erin.boone@fcc.gov

From: Tia Cromwell <Tia.Cromwell@fcc.gov>
Sent: Friday, February 7, 2025 10:32 AM
To: Alexander Sanjenis <Alexander.Sanjenis@fcc.gov>; Katie Gorscak <Katie.Gorscak@fcc.gov>; Erin Boone <Erin.Boone@fcc.gov>; Will Wiquist <Will.Wiquist@fcc.gov>; Ismari Cueto <Ismari.Cueto@fcc.gov>; Adam Jackman <Adam.Jackman@fcc.gov>
Cc: FCCWEB <FCCWEB@fcc.gov>
Subject: RE: PN for Today's Release

Completed

<https://www.fcc.gov/document/fcc-seeks-comment-wcbs-news-distortion-complaint>

If you need any changes please let us know.

Tia Cromwell
Office of Media Relations, Web Team
Email: Tia.Cromwell@fcc.gov | FCCWEB@FCC.gov

From: Alexander Sanjenis <Alexander.Sanjenis@fcc.gov>
Sent: Friday, February 7, 2025 10:13 AM
To: Tia Cromwell <Tia.Cromwell@fcc.gov>; Katie Gorscak <Katie.Gorscak@fcc.gov>; Erin Boone <Erin.Boone@fcc.gov>; Will Wiquist <Will.Wiquist@fcc.gov>; Ismari Cueto <Ismari.Cueto@fcc.gov>; Adam Jackman <Adam.Jackman@fcc.gov>
Cc: FCCWEB <FCCWEB@fcc.gov>
Subject: RE: PN for Today's Release

Yes Tia, that is correct. Thanks!

From: Tia Cromwell <Tia.Cromwell@fcc.gov>
Sent: Friday, February 7, 2025 10:09 AM
To: Katie Gorscak <Katie.Gorscak@fcc.gov>; Alexander Sanjenis <Alexander.Sanjenis@fcc.gov>; Erin Boone <Erin.Boone@fcc.gov>; Will Wiquist <Will.Wiquist@fcc.gov>; Ismari Cueto <Ismari.Cueto@fcc.gov>; Adam Jackman <Adam.Jackman@fcc.gov>

Cc: FCCWEB <FCCWEB@fcc.gov>
Subject: RE: PN for Today's Release

For clarity purposes

Are we placing a link on this PN

<https://www.fcc.gov/document/fcc-seeks-comment-wcbs-news-distortion-complaint>

to:

<https://www.fcc.gov/ecfs/filings/standard?proceeding%5Bname%5D=25-73>

Tia Cromwell

Office of Media Relations, Web Team

Email: Tia.Cromwell@fcc.gov | FCCWEB@FCC.gov

From: Katie Gorscak <Katie.Gorscak@fcc.gov>

Sent: Friday, February 7, 2025 9:38 AM

To: Alexander Sanjenis <Alexander.Sanjenis@fcc.gov>; Erin Boone <Erin.Boone@fcc.gov>; Will Wiquist <Will.Wiquist@fcc.gov>; Ismari Cueto <Ismari.Cueto@fcc.gov>; Adam Jackman <Adam.Jackman@fcc.gov>

Cc: FCCWEB <FCCWEB@fcc.gov>

Subject: RE: PN for Today's Release

Thanks, Alex. And apologies for the duplicative emails!

From: Alexander Sanjenis <Alexander.Sanjenis@fcc.gov>

Sent: Friday, February 7, 2025 9:37 AM

To: Erin Boone <Erin.Boone@fcc.gov>; Will Wiquist <Will.Wiquist@fcc.gov>; Katie Gorscak <Katie.Gorscak@fcc.gov>; Ismari Cueto <Ismari.Cueto@fcc.gov>; Adam Jackman <Adam.Jackman@fcc.gov>

Cc: FCCWEB <FCCWEB@fcc.gov>

Subject: RE: PN for Today's Release

Responses below to your separate emails.

Will:

+OMR's web team for the link addition(s). Do you want a link on the prior PN and this one? Would you be able to send us the link you want us to use to direct people to ECFS? I'm not as familiar with ECFS. **Yes, please put the ECFS link on both the prior PN and this one.** This link should direct people to ECFS and pre fill in the document number.

<https://www.fcc.gov/ecfs/filings/standard?proceeding%5Bname%5D=25-73>

As for timing, I think we can get this out now if you want. Is that the hope? **OCH was fine with a regular release whenever the Digest goes out, unless Adam/Erin think it should go live now**

Katie:

I think that's right. And to confirm the additional PN is all approved so we just need to get

out in due course this morning/there isn't a specific time that should be released, correct?

Yes, see above.

Please let me know if there's anything else you need!

From: Erin Boone <Erin.Boone@fcc.gov>

Sent: Friday, February 7, 2025 9:31 AM

To: Alexander Sanjenis <Alexander.Sanjenis@fcc.gov>; Will Wiquist <Will.Wiquist@fcc.gov>; Katie Gorscak <Katie.Gorscak@fcc.gov>; Ismari Cueto <Ismari.Cueto@fcc.gov>; Adam Jackman <Adam.Jackman@fcc.gov>

Subject: RE: PN for Today's Release

Thanks. Adding Adam Jackman so he can make the link public. Thanks!

Erin Boone
Senior Counsel – Media & Enforcement
Office of FCC Chairman Brendan Carr
Acting Chief, Media Bureau
202-418-0736 | erin.boone@fcc.gov

From: Alexander Sanjenis <Alexander.Sanjenis@fcc.gov>

Sent: Friday, February 7, 2025 9:28 AM

To: Will Wiquist <Will.Wiquist@fcc.gov>; Katie Gorscak <Katie.Gorscak@fcc.gov>; Ismari Cueto <Ismari.Cueto@fcc.gov>

Cc: Erin Boone <Erin.Boone@fcc.gov>

Subject: PN for Today's Release

Team OMR,

I just transmitted an additional PN in the CBS proceedings for today's release. It's not time sensitive. I would of course appreciate if you can double check everything.

Also, we like your idea of having a link to the ECFS comment system appear on the same page as the PN. So it would appear somewhere here, right?

<https://www.fcc.gov/document/fcc-seeks-comment-wcbs-news-distortion-complaint>

Copying Erin from OCH so she can confirm all of the above.

From: [Erin Boone](#)
To: [Alexander Sanienis](#); [Sophie Draayer](#); [Benjamin Arden](#)
Subject: FW: Question about complaints
Date: Friday, February 7, 2025 4:28:00 PM
Attachments: [NPR - PBS 02.07.2025.xlsx](#)

FYI

Erin Boone
Senior Counsel – Media & Enforcement
Office of FCC Chairman Brendan Carr
Acting Chief, Media Bureau
202-418-0736 | erin.boone@fcc.gov

From: Eduard Bartholme <Eduard.Bartholme@fcc.gov>
Sent: Friday, February 7, 2025 2:12 PM
To: Patrick Webre <Patrick.Webre@fcc.gov>; Erin Boone <Erin.Boone@fcc.gov>
Cc: James Brown <James.Brown@fcc.gov>
Subject: Re: Question about complaints

+ James Brown

Erin and Patrick,

With thanks to James and his team, attached is a spreadsheet (b) (7)(A)

[Redacted]

[Redacted]

[Redacted]

[Redacted]

Regards
Ed

From: Eduard Bartholme <Eduard.Bartholme@fcc.gov>
Date: Thursday, February 6, 2025 at 8:57 AM

To: Erin Boone <Erin.Boone@fcc.gov>
Cc: Patrick Webre <Patrick.Webre@fcc.gov>
Subject: Re: Question about complaints

Happy to have the team take a look. I'll touch base with them and circle back if we have any questions.

Regards
Ed

From: Erin Boone <Erin.Boone@fcc.gov>
Sent: Thursday, February 6, 2025 8:54 AM
To: Eduard Bartholme <Eduard.Bartholme@fcc.gov>
Cc: Patrick Webre <Patrick.Webre@fcc.gov>
Subject: Question about complaints

Hi Ed,

(b) (7)(A), (b) (5)



Please let me know what else you need from me for this request. Also happy to chat if its easier.

Thank you!

Erin Boone
Senior Counsel – Media & Enforcement
Office of FCC Chairman Brendan Carr
Acting Chief, Media Bureau
[202-418-0736](tel:202-418-0736) | erin.boone@fcc.gov

From: [Erin Boone](#)
To: [Sophie Draayer](#)
Subject: FW: Question about complaints
Date: Monday, February 10, 2025 8:40:00 AM
Attachments: [NPR - PBS 02.07.2025.xlsx](#)

Did I send these already?

Erin Boone
Senior Counsel – Media & Enforcement
Office of FCC Chairman Brendan Carr
Acting Chief, Media Bureau
202-418-0736 | erin.boone@fcc.gov

From: Eduard Bartholme <Eduard.Bartholme@fcc.gov>
Sent: Friday, February 7, 2025 2:12 PM
To: Patrick Webre <Patrick.Webre@fcc.gov>; Erin Boone <Erin.Boone@fcc.gov>
Cc: James Brown <James.Brown@fcc.gov>
Subject: Re: Question about complaints

+ James Brown

Erin and Patrick,

With thanks to James and his team, attached is a spreadsheet (b) (7)(A)

[Redacted]

[Redacted]

[Redacted]

[Redacted]

Regards
Ed

From: Eduard Bartholme <Eduard.Bartholme@fcc.gov>
Date: Thursday, February 6, 2025 at 8:57 AM

To: Erin Boone <Erin.Boone@fcc.gov>
Cc: Patrick Webre <Patrick.Webre@fcc.gov>
Subject: Re: Question about complaints

Happy to have the team take a look. I'll touch base with them and circle back if we have any questions.

Regards
Ed

From: Erin Boone <Erin.Boone@fcc.gov>
Sent: Thursday, February 6, 2025 8:54 AM
To: Eduard Bartholme <Eduard.Bartholme@fcc.gov>
Cc: Patrick Webre <Patrick.Webre@fcc.gov>
Subject: Question about complaints

Hi Ed,

(b) (7)(A), (b) (5)



Please let me know what else you need from me for this request. Also happy to chat if its easier.

Thank you!

Erin Boone
Senior Counsel – Media & Enforcement
Office of FCC Chairman Brendan Carr
Acting Chief, Media Bureau
[202-418-0736](tel:202-418-0736) | erin.boone@fcc.gov

From: [Erin Boone](#)
To: [Alexander Sanienis](#)
Subject: FW: Question about complaints
Date: Monday, February 10, 2025 8:41:00 AM
Attachments: [NPR - PBS 02.07.2025.xlsx](#)

FYI

Erin Boone
Senior Counsel – Media & Enforcement
Office of FCC Chairman Brendan Carr
Acting Chief, Media Bureau
202-418-0736 | erin.boone@fcc.gov

From: Eduard Bartholme <Eduard.Bartholme@fcc.gov>
Sent: Friday, February 7, 2025 2:12 PM
To: Patrick Webre <Patrick.Webre@fcc.gov>; Erin Boone <Erin.Boone@fcc.gov>
Cc: James Brown <James.Brown@fcc.gov>
Subject: Re: Question about complaints

+ James Brown

Erin and Patrick,

With thanks to James and his team, attached is a spreadsheet (b) (7)(A)

[Redacted]

[Redacted]

[Redacted]

[Redacted]

Regards
Ed

From: Eduard Bartholme <Eduard.Bartholme@fcc.gov>
Date: Thursday, February 6, 2025 at 8:57 AM

To: Erin Boone <Erin.Boone@fcc.gov>
Cc: Patrick Webre <Patrick.Webre@fcc.gov>
Subject: Re: Question about complaints

Happy to have the team take a look. I'll touch base with them and circle back if we have any questions.

Regards
Ed

From: Erin Boone <Erin.Boone@fcc.gov>
Sent: Thursday, February 6, 2025 8:54 AM
To: Eduard Bartholme <Eduard.Bartholme@fcc.gov>
Cc: Patrick Webre <Patrick.Webre@fcc.gov>
Subject: Question about complaints

Hi Ed,

(b) (7)(A), (b) (5)



Please let me know what else you need from me for this request. Also happy to chat if its easier.

Thank you!

Erin Boone
Senior Counsel – Media & Enforcement
Office of FCC Chairman Brendan Carr
Acting Chief, Media Bureau
[202-418-0736](tel:202-418-0736) | erin.boone@fcc.gov

From: [Erin Boone](#)
To: [India Malcolm](#)
Subject: FW: MB Staff Status Chart
Date: Tuesday, February 11, 2025 6:47:00 PM
Attachments: [Media Bureau Staff Status 01-28-25.xls](#)

Erin Boone
Senior Counsel – Media & Enforcement
Office of FCC Chairman Brendan Carr
Acting Chief, Media Bureau
202-418-0736 | erin.boone@fcc.gov

From: Thomas Horan <Thomas.Horan@fcc.gov>
Sent: Wednesday, January 29, 2025 2:30 PM
To: Erin Boone <Erin.Boone@fcc.gov>
Cc: Alexander Sanjenis <Alexander.Sanjenis@fcc.gov>
Subject: MB Staff Status Chart

Hi Erin – India created the attached excel sheet, which indicates everyone in MB's status regarding (b) (5)

Let me know if you have questions or comments.

Tom H.

From: [Erin Boone](#)
To: (b)(6) Erin Boone
Subject: fed soc
Date: Wednesday, February 12, 2025 9:21:00 AM

<https://fedsoc.org/commentary/fedsoc-blog/expression-over-radio-waves-is-not-exempt-from-the-first-amendment>

Erin Boone
Senior Counsel – Media & Enforcement
Office of FCC Chairman Brendan Carr
Acting Chief, Media Bureau
202-418-0736 | erin.boone@fcc.gov

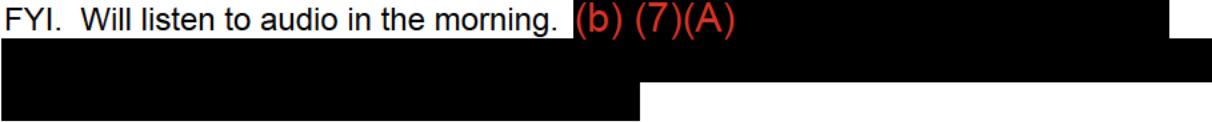
From: [Erin Boone](#)
To: [Benjamin Arden](#); [Alexander Sanjens](#)
Subject: FW: Audacy Response to LOI - EB-IHD-25-00037894
Date: Wednesday, February 12, 2025 9:34:00 AM
Attachments: [Response of Audacy License to LOI - EB-IHD-25-00037894.pdf](#)

FYI – response is in.

Erin Boone
Senior Counsel – Media & Enforcement
Office of FCC Chairman Brendan Carr
Acting Chief, Media Bureau
202-418-0736 | erin.boone@fcc.gov

From: Patrick Webre <Patrick.Webre@fcc.gov>
Sent: Tuesday, February 11, 2025 9:34 PM
To: Erin Boone <Erin.Boone@fcc.gov>
Subject: Fw: Audacy Response to LOI - EB-IHD-25-00037894

FYI. Will listen to audio in the morning. (b) (7)(A)



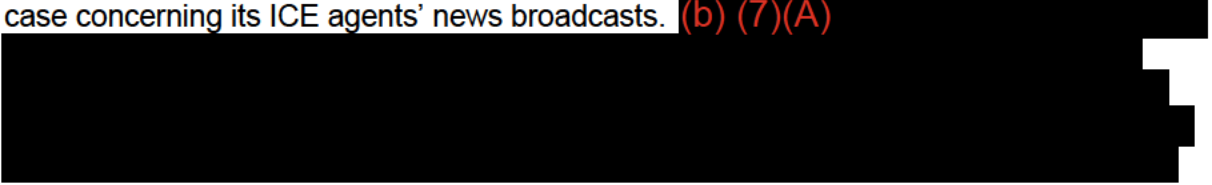
From: Phillip Rosario <Phillip.Rosario@fcc.gov>
Sent: Tuesday, February 11, 2025 9:17 PM
To: Patrick Webre <Patrick.Webre@fcc.gov>
Subject: Fw: Audacy Response to LOI - EB-IHD-25-00037894

FYSA

Get [Outlook for iOS](#)

From: Melissa Marshall <Melissa.Marshall@fcc.gov>
Sent: Tuesday, February 11, 2025 9:15:08 PM
To: Phillip Rosario <Phillip.Rosario@fcc.gov>; Elizabeth Goldin <Elizabeth.Goldin@fcc.gov>
Cc: Christopher Sova <Christopher.Sova@fcc.gov>; Drew Tobias <Drew.Tobias@fcc.gov>
Subject: Audacy Response to LOI - EB-IHD-25-00037894

Today (2/11/25), Audacy License, LLC (Audacy) through its attorney Jeff Gee timely submitted its LOI Response (attached, excluding the audio recordings) in the KCBS(AM) case concerning its ICE agents' news broadcasts. (b) (7)(A)



(b) (7)(A)

The majority of the page is redacted with black bars. The redaction covers several paragraphs of text, leaving only the signature block and the email header visible.

Thanks,
Melissa

****Non-Public: For Internal Use Only****

From: Gee, Jeffrey <jgee@wbklaw.com>

Sent: Tuesday, February 11, 2025 7:17 PM

To: Christopher Sova <Christopher.Sova@fcc.gov>; Melissa Marshall <Melissa.Marshall@fcc.gov>;
Drew Tobias <Drew.Tobias@fcc.gov>

Subject: [EXTERNAL]: Audacy Response to LOI - EB-IHD-25-00037894

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Attached please find the response of Audacy License, LLC (“Audacy”) to the above-referenced Letter of Inquiry, dated February 4, 2025 (“LOI”).

Audacy’s response to the LOI includes ten (10) audio files. As these audio files collectively exceed 50MB, the audio files are being separately uploaded *via* two separate emails to the box.com address provided in the Instructions to the LOI. Please let us know if you have any trouble receiving or opening any of the files.

Any other questions concerning this matter also may be directed to the undersigned counsel for Audacy.

Respectfully submitted,

---Jeff

WILKINSON) BARKER) KNAUER) LLP

Jeffrey J. Gee (He/Him/His)

Partner

1800 M Street NW Suite 800N

Washington, DC 20036

Tel: [202.383.3409](tel:202.383.3409)

jgee@wbklaw.com

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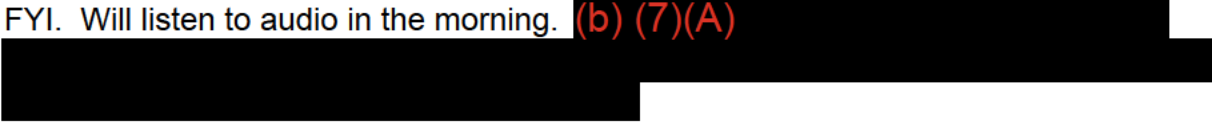
From: [Erin Boone](#)
To: [Brendan Carr](#)
Subject: FW: Audacy Response to LOI - EB-IHD-25-00037894
Date: Wednesday, February 12, 2025 1:30:00 PM
Attachments: [Response of Audacy License to LOI - EB-IHD-25-00037894.pdf](#)

FYI

Erin Boone
Senior Counsel – Media & Enforcement
Office of FCC Chairman Brendan Carr
Acting Chief, Media Bureau
202-418-0736 | erin.boone@fcc.gov

From: Patrick Webre <Patrick.Webre@fcc.gov>
Sent: Tuesday, February 11, 2025 9:34 PM
To: Erin Boone <Erin.Boone@fcc.gov>
Subject: Fw: Audacy Response to LOI - EB-IHD-25-00037894

FYI. Will listen to audio in the morning. (b) (7)(A)



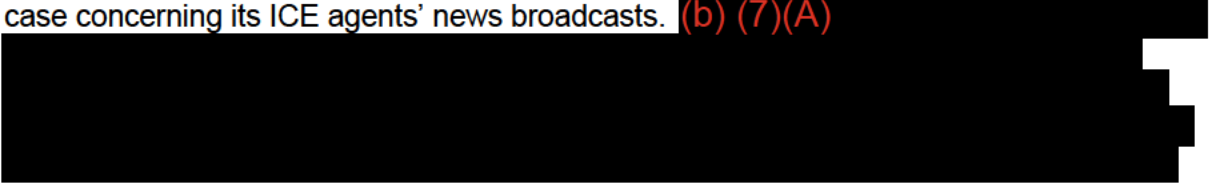
From: Phillip Rosario <Phillip.Rosario@fcc.gov>
Sent: Tuesday, February 11, 2025 9:17 PM
To: Patrick Webre <Patrick.Webre@fcc.gov>
Subject: Fw: Audacy Response to LOI - EB-IHD-25-00037894

FYSA

Get [Outlook for iOS](#)

From: Melissa Marshall <Melissa.Marshall@fcc.gov>
Sent: Tuesday, February 11, 2025 9:15:08 PM
To: Phillip Rosario <Phillip.Rosario@fcc.gov>; Elizabeth Goldin <Elizabeth.Goldin@fcc.gov>
Cc: Christopher Sova <Christopher.Sova@fcc.gov>; Drew Tobias <Drew.Tobias@fcc.gov>
Subject: Audacy Response to LOI - EB-IHD-25-00037894

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(b) (7)(A)

The body of the email contains three large blocks of text that have been completely redacted with black boxes. The first block is a single line, the second is a single line, and the third is a single line.

Thanks,
Melissa

****Non-Public: For Internal Use Only****

From: Gee, Jeffrey <jgee@wbklaw.com>
Sent: Tuesday, February 11, 2025 7:17 PM
To: Christopher Sova <Christopher.Sova@fcc.gov>; Melissa Marshall <Melissa.Marshall@fcc.gov>;
Drew Tobias <Drew.Tobias@fcc.gov>
Subject: [EXTERNAL]: Audacy Response to LOI - EB-IHD-25-00037894

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Any other questions concerning this matter also may be directed to the undersigned counsel for Audacy.

Respectfully submitted,

---Jeff

WILKINSON) BARKER) KNAUER) LLP

Jeffrey J. Gee (He/Him/His)

Partner

1800 M Street NW Suite 800N

Washington, DC 20036

Tel: [202.383.3409](tel:202.383.3409)

jgee@wbklaw.com

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From: [Erin Boone](#)
To: [Benjamin Arden](#)
Subject: FW: [EXTERNAL]: YouTube offers bill credit ahead of Paramount dispute
Date: Thursday, February 13, 2025 11:29:00 AM
Attachments: [image004.png](#)
[image001.png](#)

FYI

Erin Boone
Senior Counsel – Media & Enforcement
Office of FCC Chairman Brendan Carr
Acting Chief, Media Bureau
202-418-0736 | erin.boone@fcc.gov

From: Nancy Murphy <Nancy.Murphy@fcc.gov>
Sent: Thursday, February 13, 2025 11:25 AM
To: Erin Boone <Erin.Boone@fcc.gov>
Cc: Lori Maarbjerg <Lori.Maarbje@fcc.gov>; Maria Mullarkey <Maria.Mullarkey@fcc.gov>; Evan Morris <Evan.Morris@fcc.gov>; Sima Nilsson <Sima.Nilsson@fcc.gov>
Subject: FW: [EXTERNAL]: YouTube offers bill credit ahead of Paramount dispute

(b) (5)




From: TheDesk.net <newsletter@thedesk.net>
Sent: Thursday, February 13, 2025 10:38 AM
To: Nancy Murphy <Nancy.Murphy@fcc.gov>
Subject: [EXTERNAL]: YouTube offers bill credit ahead of Paramount dispute

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YouTube TV offers bill credit to subscribers ahead of Paramount dispute

On Wednesday, Paramount warned its contract to distribute local CBS stations and affiliates and nearly two dozen cable channels through YouTube TV was set to expire by the end of Thursday. If the channels are pulled from YouTube TV, the platform will offer subscribers at least one bill credit for the inconvenience.

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Vacaville, California 95687



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From: [Erin Boone](#)
To: [Nancy Murphy](#)
Cc: [Lori Maarbjerg](#); [Maria Mullarkey](#); [Evan Morris](#); [Sima Nilsson](#)
Subject: RE: [EXTERNAL]: YouTube offers bill credit ahead of Paramount dispute
Date: Thursday, February 13, 2025 11:29:00 AM
Attachments: [image001.png](#)
[image002.png](#)

Thanks Nancy!

Erin Boone
Senior Counsel – Media & Enforcement
Office of FCC Chairman Brendan Carr
Acting Chief, Media Bureau
202-418-0736 | erin.boone@fcc.gov

From: Nancy Murphy <Nancy.Murphy@fcc.gov>
Sent: Thursday, February 13, 2025 11:25 AM
To: Erin Boone <Erin.Boone@fcc.gov>
Cc: Lori Maarbjerg <Lori.Maarbjje@fcc.gov>; Maria Mullarkey <Maria.Mullarkey@fcc.gov>; Evan Morris <Evan.Morris@fcc.gov>; Sima Nilsson <Sima.Nilsson@fcc.gov>
Subject: FW: [EXTERNAL]: YouTube offers bill credit ahead of Paramount dispute

(b) (5)



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Sent: Thursday, February 13, 2025 10:38 AM
To: Nancy Murphy <Nancy.Murphy@fcc.gov>
Subject: [EXTERNAL]: YouTube offers bill credit ahead of Paramount dispute

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TheDesk.net

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Vacaville, California 95687



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From: [Erin Boone](#)
To: [Adam Cassidy](#)
Subject: RE: Markey letter
Date: Thursday, February 13, 2025 12:31:00 PM

(b) (5)

Erin Boone
Senior Counsel – Media & Enforcement
Office of FCC Chairman Brendan Carr
Acting Chief, Media Bureau
202-418-0736 | erin.boone@fcc.gov

From: Adam Cassidy <Adam.Cassady@fcc.gov>
Sent: Thursday, February 13, 2025 12:29 PM
To: Erin Boone <Erin.Boone@fcc.gov>
Subject: Markey letter

Hey Erin,

Drafting Nathan's reply to the Markey letter. In it, he says he's concerned that the Commission has "reinstated three previously closed complaints" (CBS, ABC, NBC) "absent any new evidence." (b) (5)

AC

From: [Erin Boone](#)
To: [Benjamin Arden](#)
Subject: FW: EB-IHD TEGNA Indecency Case -- Request for OCH Approval For Your Review
Date: Tuesday, February 18, 2025 3:56:00 PM
Attachments: [EXTERNAL Confidential Settlement Communication re KREM \(File No. EB-IHD-21-00032892\).msg](#)
[2017 TEGNA EAS CD.pdf](#)
[TEGNA Indecency Memo to OCH.docx](#)

Thoughts

Erin Boone
 Senior Counsel – Media & Enforcement
 Office of FCC Chairman Brendan Carr
 Acting Chief, Media Bureau
 202-418-0736 | erin.boone@fcc.gov

From: Phillip Rosario <Phillip.Rosario@fcc.gov>
Sent: Tuesday, February 4, 2025 11:25 AM
To: Erin Boone <Erin.Boone@fcc.gov>
Cc: Patrick Webre <Patrick.Webre@fcc.gov>; David Strickland <David.Strickland@fcc.gov>; Michael Antonino <Michael.Antonino@fcc.gov>; Christopher Sova <Christopher.Sova@fcc.gov>; Kenneth Scheibel <Kenneth.Scheibel@fcc.gov>; Drew Tobias <Drew.Tobias@fcc.gov>; Melissa Marshall <Melissa.Marshall@fcc.gov>
Subject: FW: EB-IHD TEGNA Indecency Case -- Request for OCH Approval For Your Review

Hi Erin,

EB-IHD has a pending investigation concerning [indecent material aired on TEGNA’s television station KREM\(TV\), in Spokane, Washington.](#) (b) (5), (b) (7)(E)

[Redacted]

[Redacted]

[Redacted]

Please let us know if you have any questions.

Best,

Phil

****Non-Public: For Internal Use Only****

From: [Erin Boone](#)
To: [Danielle Thumann](#)
Subject: RE: For OCH Approval - Authorization to Negotiate Settlement with GCI Communications
Date: Tuesday, February 18, 2025 9:19:00 AM


Nevermind, this one isn't you. I'll ping Arpan.

Erin Boone
Senior Counsel – Media & Enforcement
Office of FCC Chairman Brendan Carr
Acting Chief, Media Bureau
202-418-0736 | erin.boone@fcc.gov

From: Erin Boone
Sent: Tuesday, February 18, 2025 8:25 AM
To: Danielle Thumann <Danielle.Thumann@fcc.gov>
Subject: FW: For OCH Approval - Authorization to Negotiate Settlement with GCI Communications

Hi Danielle,

FYI – (b) (5), (b) (7)(E)



Thanks!

Erin Boone
Senior Counsel – Media & Enforcement
Office of FCC Chairman Brendan Carr
Acting Chief, Media Bureau
202-418-0736 | erin.boone@fcc.gov


From: Ryan McDonald <Ryan.McDonald@fcc.gov>
Sent: Friday, February 14, 2025 4:58 PM
To: Erin Boone <Erin.Boone@fcc.gov>
Cc: Patrick Webre <Patrick.Webre@fcc.gov>; Pamela Gallant <Pamela.Gallant@fcc.gov>; Keith Morgan <Keith.Morgan@fcc.gov>; Hunter Deeley <Hunter.Deeley@fcc.gov>; EB-Legal-Advisors <EB-Legal-Advisors@fcc.gov>; Christopher Sova <Christopher.Sova@fcc.gov>; Kalun Lee <Kalun.Lee@fcc.gov>; Georgina Feigen <Georgina.Feigen@fcc.gov>; Tram Pham <Tram.Pham@fcc.gov>
Subject: For OCH Approval - Authorization to Negotiate Settlement with GCI Communications

Good Afternoon Erin,

(b) (5), (b) (7)(E)



(b) (5), (b) (7)(E)

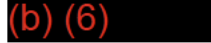


EB is happy to discuss further if you have any questions. Thanks, and enjoy the holiday on Monday!

Best Regards,
Ryan

Ryan McDonald
Legal Advisor
Office of the Bureau Chief, Enforcement Bureau
Federal Communications Commission

(b) (6)



From: [Erin Boone](#)
To: [Benjamin Arden](#); [Alexander Sanjenis](#)
Subject: FW: [EXTERNAL]: YouTube offers bill credit ahead of Paramount dispute
Date: Wednesday, February 19, 2025 7:55:00 AM
Attachments: [image002.png](#)
[image001.png](#)

FYI

Erin Boone
Senior Counsel – Media & Enforcement
Office of FCC Chairman Brendan Carr
Acting Chief, Media Bureau
202-418-0736 | erin.boone@fcc.gov

From: Nancy Murphy <Nancy.Murphy@fcc.gov>
Sent: Sunday, February 16, 2025 10:37 AM
To: Erin Boone <Erin.Boone@fcc.gov>
Cc: Lori Maarbjerg <Lori.Maarbje@fcc.gov>; Maria Mullarkey <Maria.Mullarkey@fcc.gov>; Evan Morris <Evan.Morris@fcc.gov>; Sima Nilsson <Sima.Nilsson@fcc.gov>
Subject: RE: [EXTERNAL]: YouTube offers bill credit ahead of Paramount dispute


The parties have reached an agreement.

From: Nancy Murphy
Sent: Friday, February 14, 2025 7:13 AM
To: Erin Boone <Erin.Boone@fcc.gov>
Cc: Lori Maarbjerg <Lori.Maarbje@fcc.gov>; Maria Mullarkey <Maria.Mullarkey@fcc.gov>; Evan Morris <Evan.Morris@fcc.gov>; Sima Nilsson <Sima.Nilsson@fcc.gov>
Subject: RE: [EXTERNAL]: YouTube offers bill credit ahead of Paramount dispute

A short term extension has been reached in the YouTube-Paramount negotiations so the channels continued to be carried for now:
<https://support.google.com/youtubetv/answer/15834158>

From: Nancy Murphy
Sent: Thursday, February 13, 2025 11:25 AM
To: Erin Boone <Erin.Boone@fcc.gov>
Cc: Lori Maarbjerg <Lori.Maarbje@fcc.gov>; Maria Mullarkey <Maria.Mullarkey@fcc.gov>; Evan Morris <Evan.Morris@fcc.gov>; Sima Nilsson <Sima.Nilsson@fcc.gov>
Subject: FW: [EXTERNAL]: YouTube offers bill credit ahead of Paramount dispute

(b) (5)



(b) (5)

From: TheDesk.net <newsletter@thedesk.net>
Sent: Thursday, February 13, 2025 10:38 AM
To: Nancy Murphy <Nancy.Murphy@fcc.gov>
Subject: [EXTERNAL]: YouTube offers bill credit ahead of Paramount dispute

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February 13, 2025 • news@thedesk.net

YouTube TV offers bill credit to subscribers ahead of Paramount dispute

On Wednesday, Paramount warned its contract to distribute local CBS stations and affiliates and nearly two dozen cable channels through YouTube TV was set to expire by the end of Thursday. If the channels are pulled from YouTube TV, the platform will offer subscribers at least one bill credit for the inconvenience.

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From: [Erin Boone](#)
To: [Ryan McDonald](#)
Cc: [Patrick Webre](#); [Pamela Gallant](#); [Keith Morgan](#); [Hunter Deeley](#); [EB-Legal-Advisors](#); [Christopher Sova](#); [Kalun Lee](#); [Georgina Feigen](#); [Tram Pham](#)
Subject: RE: For OCH Approval - Authorization to Negotiate Settlement with GCI Communications
Date: Wednesday, February 19, 2025 8:05:00 AM

Approved. Thanks Ryan!

Erin Boone
Senior Counsel – Media & Enforcement
Office of FCC Chairman Brendan Carr
Acting Chief, Media Bureau
202-418-0736 | erin.boone@fcc.gov

From: Ryan McDonald <Ryan.McDonald@fcc.gov>
Sent: Friday, February 14, 2025 4:58 PM
To: Erin Boone <Erin.Boone@fcc.gov>
Cc: Patrick Webre <Patrick.Webre@fcc.gov>; Pamela Gallant <Pamela.Gallant@fcc.gov>; Keith Morgan <Keith.Morgan@fcc.gov>; Hunter Deeley <Hunter.Deeley@fcc.gov>; EB-Legal-Advisors <EB-Legal-Advisors@fcc.gov>; Christopher Sova <Christopher.Sova@fcc.gov>; Kalun Lee <Kalun.Lee@fcc.gov>; Georgina Feigen <Georgina.Feigen@fcc.gov>; Tram Pham <Tram.Pham@fcc.gov>
Subject: For OCH Approval - Authorization to Negotiate Settlement with GCI Communications

Good Afternoon Erin,

(b) (5), (b) (7)(E)



EB is happy to discuss further if you have any questions. Thanks, and enjoy the holiday on Monday!

Best Regards,
Ryan

Ryan McDonald
Legal Advisor
Office of the Bureau Chief, Enforcement Bureau
Federal Communications Commission

(b) (6)

From: [Erin Boone](#)
To: [Benjamin Arden](#); [Alexander Sanjenis](#)
Subject: FW: Potential new project?
Date: Thursday, February 20, 2025 8:19:00 AM
Attachments: [Public Interest - Research.docx](#)

She's really good.

Erin Boone
Senior Counsel – Media & Enforcement
Office of FCC Chairman Brendan Carr
Acting Chief, Media Bureau
202-418-0736 | erin.boone@fcc.gov

From: (b) (6) @fcc.gov>
Sent: Wednesday, February 19, 2025 5:40 PM
To: Erin Boone <Erin.Boone@fcc.gov>
Subject: RE: Potential new project?

Hi Erin!

See attached for my research on the public interest. The first page is all you really need to read to get an understanding of your question. However, the next pages are helpful in understanding how to balance the public interest with a deregulatory era (& what that has looked like in the past). Let me know if you have any questions.

Thanks for this project!

Best,

(b) (6)

From: Erin Boone <Erin.Boone@fcc.gov>
Sent: Wednesday, February 12, 2025 9:51 AM
To: (b) (6) @fcc.gov>
Subject: Potential new project?

Hi (b) (6)

I have a new research project for you if you aren't too busy? Let me know! Thanks!

Erin Boone
Senior Counsel – Media & Enforcement
Office of FCC Chairman Brendan Carr
Acting Chief, Media Bureau
202-418-0736 | erin.boone@fcc.gov

From: [Erin Boone](#)
To: [Benjamin Arden](#); [Alexander Sanjenis](#)
Subject: FW: OMD Saying They Have Permission To Move Ahead with PRA Approval for the Rules from the Second Foreign Sponsorship ID Order
Date: Monday, February 24, 2025 8:09:00 AM
Attachments: [Supporting Statement OMB 3060-0174 \(2024\) final \(for final approval\).docx](#)

Radhika is right. (b) (5)

Erin Boone
Senior Counsel – Media & Enforcement
Office of FCC Chairman Brendan Carr
Acting Chief, Media Bureau
202-418-0736 | erin.boone@fcc.gov

From: Radhika Karmarkar <Radhika.Karmarkar@fcc.gov>
Sent: Friday, February 21, 2025 7:00 PM
To: Erin Boone <Erin.Boone@fcc.gov>; Alexander Sanjenis <Alexander.Sanjenis@fcc.gov>; Benjamin Arden <Benjamin.Arden@fcc.gov>
Cc: Lori Maarbjerg <Lori.Maarbje@fcc.gov>; James Elustondo <James.Elustondo@fcc.gov>
Subject: OMD Saying They Have Permission To Move Ahead with PRA Approval for the Rules from the Second Foreign Sponsorship ID Order

FYI - (b) (5)

[REDACTED]

[REDACTED]

Please let us know how we should proceed.

In the meantime, hope everyone has a good weekend!

Radhika

From: Cathy Williams <Cathy.Williams@fcc.gov>
Sent: Friday, February 21, 2025 5:23 PM
To: James Elustondo <James.Elustondo@fcc.gov>
Cc: Radhika Karmarkar <Radhika.Karmarkar@fcc.gov>
Subject: RE: 3060-0174

James,

(b) (5) I am finishing up another item so I was not able to review the attached supporting statement. (b) (5)

Thanks--Cathy

From: James Elustondo <James.Elustondo@fcc.gov>
Sent: Friday, February 21, 2025 5:12 PM
To: Cathy Williams <Cathy.Williams@fcc.gov>
Cc: Radhika Karmarkar <Radhika.Karmarkar@fcc.gov>
Subject: RE: 3060-0174

Hi Cathy,

Do you know if (b) (5)

Thank you!

James

From: Cathy Williams <Cathy.Williams@fcc.gov>
Sent: Friday, February 21, 2025 4:56 PM
To: James Elustondo <James.Elustondo@fcc.gov>
Cc: Radhika Karmarkar <Radhika.Karmarkar@fcc.gov>
Subject: 3060-0174

Hi James,

OCH gave me the okay to resubmit collection 3060-0174. I am going to make the submission today. I just wanted to let you know.

Thanks--Cathy

From: [Dana Howell](#) on behalf of [Erin Boone](#)
To: [Gregg Skall <GSkall@tlp.law>](mailto:GSkall@tlp.law); [Joe Berry \(JBerry@yourCBA.com\)](mailto:JBerry@yourCBA.com); [Steven R. Stuck \(ssluck@yourcba.com\)](mailto:ssluck@yourcba.com)
Cc: [Dana Howell](#); [Sophie Draayer](#)
Subject: California Broadcasters Association/Erin Boone, FCC -
Attachments: [Erin Boone Acting Bureau Chief CBA Meeting Request \(00237393xC33F1\).pdf](#)

Upon arrival at FCC Headquarters – 45 L Street, NE, Washington, DC, please have security call Dana Howell at (202) 418-7234.

Participants:

- * Janene Drafts, VP General Manager, KTLA-TV, Nexstar Broadcasting
- * Ariel Roblin, President and General Manager, KCRA-TV/KQCA-TV, Hearst Broadcasting
- * Alberto Mier Y Teran, KFMB-TV (CBS), Tegna Broadcasting
- * Val Maki, Bay Area Radio, Bonneville Broadcasting
- * Rod Chambers, Owner, Sierra Radio Network
- * Jeremy Price, Market Manager Bakersfield Radio, Alpha Media
- * Steve Stuck, President/CEO for the California Broadcasters Association
- * Joe Berry, COO of the California Broadcasters Association
- * Gregg Skall, CBA Legal Counsel



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gskall@tlp.law
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February 17, 2025

VIA: E-MAIL: ERIN.BOONE@FCC.GOV

Erin Boone, Acting Bureau Chief
Federal Communications Commission
45 L St NE
Washington, DC 20554

Re: California Broadcasters Visit to Washington

Dear Acting Chief Boone:

The California Broadcasters Association (CBA) executive team and board of directors will be in Washington, D.C. for the NAB State Leadership Conference of the National Association of Broadcasters the first week of March. The CBA Board is eager to meet in-person with Bureau leadership to briefly discuss the serious issues confronting the broadcasting industry in the year ahead. The past year has been one in which broadcasters have played an important and indispensable role in providing life and property saving information to viewers and listeners while facing ever increasing challenges from alternative competing media delivery systems. We are also facing serious questions regarding the future of local community service in a dynamic regulatory environment.

Given the Commission's enormous influence over their industry, the CBA delegation deem it critically important to meet with you in person, while their leadership group is here in Washington. The best time for us would be sometime on Tuesday afternoon, March 4th, but if that will not work, please let me know when a meeting could be arranged and we will work to adjust our schedule.

I will call your office this week to determine your availability..

Sincerely,

A handwritten signature in black ink, appearing to read 'Gregg P. Skall', written in a cursive style.

Gregg P. Skall
of TELECOMMUNICATIONS LAW PROFESSIONALS PLLC
Counsel to the California Broadcasters Association

From: [Erin Boone](#)
To: [Benjamin Arden](#); [Alexander Sanjenis](#)
Subject: RE: ECFS Link from CBS PN
Date: Monday, February 24, 2025 11:46:00 AM

Agree.

Erin Boone
Senior Counsel – Media & Enforcement
Office of FCC Chairman Brendan Carr
Acting Chief, Media Bureau
202-418-0736 | erin.boone@fcc.gov

From: Benjamin Arden <Benjamin.Arden@fcc.gov>
Sent: Monday, February 24, 2025 11:17 AM
To: Alexander Sanjenis <Alexander.Sanjenis@fcc.gov>; Erin Boone <Erin.Boone@fcc.gov>
Subject: Re: ECFS Link from CBS PN

(b) (5)

From: Alexander Sanjenis <Alexander.Sanjenis@fcc.gov>
Sent: Monday, February 24, 2025 11:15 AM
To: Benjamin Arden <Benjamin.Arden@fcc.gov>; Erin Boone <Erin.Boone@fcc.gov>
Subject: RE: ECFS Link from CBS PN

I think (b) (5)

From: Jason Schiavoni <Jason.Schiavoni@fcc.gov>
Sent: Monday, February 24, 2025 10:30 AM
To: Alexander Sanjenis <Alexander.Sanjenis@fcc.gov>
Cc: FCCWEB <FCCWEB@fcc.gov>
Subject: ECFS Link from CBS PN

Hi Alex –

We received an inquiry from a member of the public this morning noting difficulties the individual was having with submitting a comment in response to the CBS Distortion Complaint PN. (b) (5)

Thanks-
Jason

Jason Schiavoni

Web Content Director
Office of Media Relations
Federal Communications Commission (FCC)

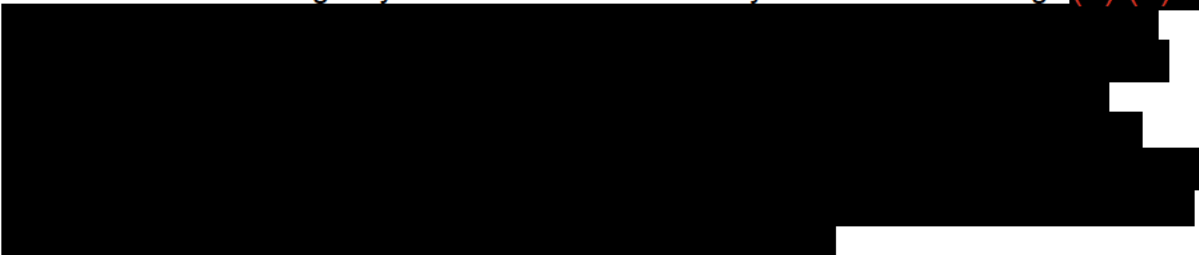
Phone 202-418-0507

Email jason.schiavoni@fcc.gov

Web www.fcc.gov

From: [Erin Boone](#)
To: [Alexander Sanjenis](#); [Benjamin Arden](#)
Subject: RE: Approval Requests, 2/25/25
Date: Wednesday, February 26, 2025 7:34:00 AM



So number 1 is the thing they talked to me about Monday after the FO meeting. (b) (5)



Erin Boone
Senior Counsel – Media & Enforcement
Office of FCC Chairman Brendan Carr
Acting Chief, Media Bureau
202-418-0736 | erin.boone@fcc.gov

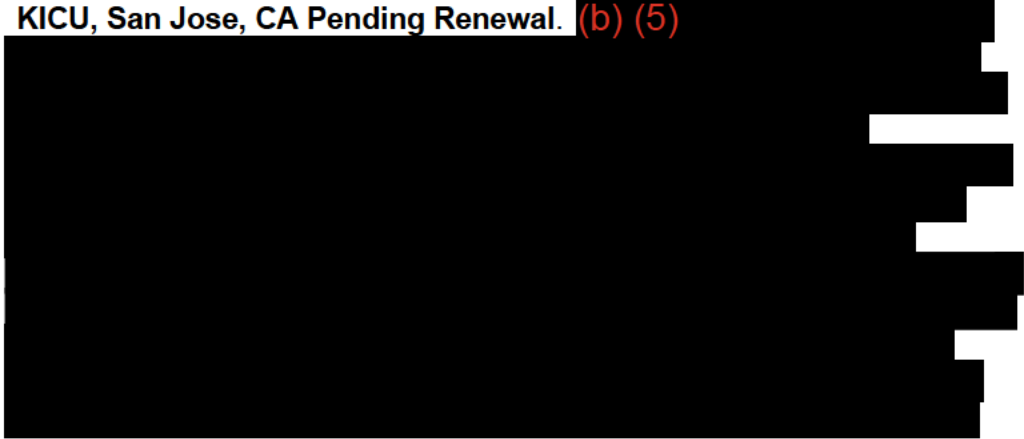
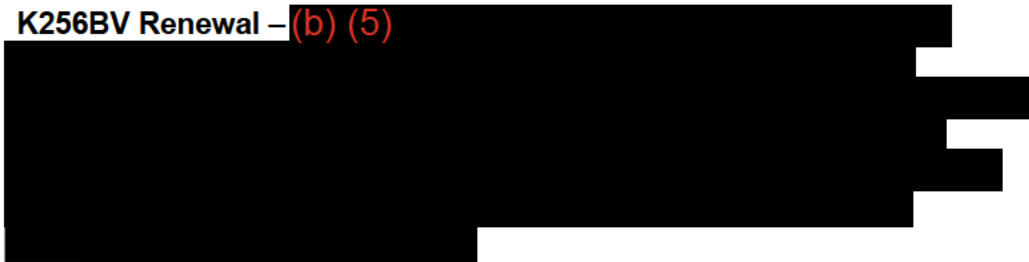
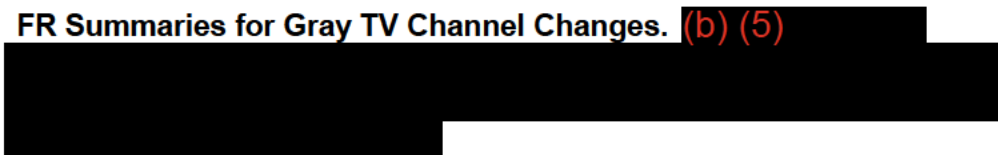
From: Alexander Sanjenis <Alexander.Sanjenis@fcc.gov>
Sent: Wednesday, February 26, 2025 6:23 AM
To: Benjamin Arden <Benjamin.Arden@fcc.gov>; Erin Boone <Erin.Boone@fcc.gov>
Subject: Fw: Approval Requests, 2/25/25

(b) (5)

Get [Outlook for Android](#)

From: Sima Nilsson <Sima.Nilsson@fcc.gov>
Sent: Tuesday, February 25, 2025 4:56:52 PM
To: Erin Boone <Erin.Boone@fcc.gov>
Cc: Evan Morris <Evan.Morris@fcc.gov>; Albert Shuldiner <Albert.Shuldiner@fcc.gov>; Thomas Horan <Thomas.Horan@fcc.gov>; Alexander Sanjenis <Alexander.Sanjenis@fcc.gov>; Nancy Murphy <Nancy.Murphy@fcc.gov>; David Brown <David.Brown@fcc.gov>; Radhika Karmarkar <Radhika.Karmarkar@fcc.gov>; Lori Maarbjerg <Lori.Maarbye@fcc.gov>; Barbara Kreisman <Barbara.Kreisman@fcc.gov>; James Elustondo <James.Elustondo@fcc.gov>; Andrew Manley <Andrew.Manley@fcc.gov>; Mark Colombo <Mark.Colombo@fcc.gov>; Emily Harrison <Emily.Harrison@fcc.gov>; Stephanie Brown <Stephanie.Brown@fcc.gov>
Subject: Approval Requests, 2/25/25

1. **KICU, San Jose, CA Pending Renewal.** (b) (5)

2. **K256BV Renewal –** (b) (5)

3. **FR Summaries for Gray TV Channel Changes.** (b) (5)

4. **FOIA Response.** Requester is seeking advertising records, response explains what we regulate and what can be found on our databases. OGC has reviewed. This will be **unpublished**.

From: [Erin Boone](#)
To: [Benjamin Arden](#); [Alexander Sanjens](#)
Subject: FW: [EXTERNAL]: Opposition to MAD Application for Review MB Docket No. 23-293 and GN Docket No. 25-11
Date: Wednesday, March 5, 2025 2:20:00 PM
Attachments: [image001.png](#)
[Fox Television Stations WTXF-TV Opposition to Application for Review 3.5.2025\(2424065.1\).pdf](#)

FYI

Erin Boone
Senior Counsel – Media & Enforcement
Office of FCC Chairman Brendan Carr
Acting Chief, Media Bureau
202-418-0736 | erin.boone@fcc.gov

From: Di Scipio, Joe <Joe.Discipio@fox.com>
Sent: Wednesday, March 5, 2025 2:08 PM
To: abelendiuk@fccworld.com; Erin Boone <Erin.Boone@fcc.gov>; Barbara Kreisman <Barbara.Kreisman@fcc.gov>; David Brown <David.Brown@fcc.gov>; Evan Morris <Evan.Morris@fcc.gov>
Cc: Bobeck, Ann <Ann.Bobeck@fox.com>
Subject: [EXTERNAL]: Opposition to MAD Application for Review MB Docket No. 23-293 and GN Docket No. 25-11

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Please see the attached Opposition as filed today in ECFS.

/Joe

JOSEPH M. DI SCIPIO

Senior Vice President
FCC Legal and Business Affairs,
and Assistant General Counsel

(202) 824-6522
Mobile Phone: (b) (6)
Fax: (202) 824-6510
joe.discipio@fox.com

101 Constitution Avenue, NW, Suite 200 West
Washington, DC 20001



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**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Preserving the First Amendment	)	GN Docket No. 25-11
)	
Application of Fox Television Stations, LLC for Renewal of License of WTXF- TV, Philadelphia, Pennsylvania	)	MB Docket No. 23-293 LMS File No. 0000213362
)	
)	

To: Marlene H. Dortch, Secretary
Attn: Erin Boone, Acting Chief, Media Bureau

**OPPOSITION OF FOX TELEVISION STATIONS, LLC
TO MAD APPLICATION FOR REVIEW**

Joseph M. Di Scipio
Ann West Bobeck
FOX TELEVISION STATIONS, LLC
101 Constitution Ave, NW
Suite 200 West
Washington, DC 20001

March 5, 2025

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**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Preserving the First Amendment	)	GN Docket No. 25-11
)	
Application of Fox Television Stations, LLC for Renewal of License of WTXF- TV, Philadelphia, Pennsylvania	)	MB Docket No. 23-293 LMS File No. 0000213362
)	
)	

**OPPOSITION OF FOX TELEVISION STATIONS, LLC
TO MAD APPLICATION FOR REVIEW**

Fox Television Stations, LLC (“FTS”), licensee of station WTXF-TV, Philadelphia, Pennsylvania (Fac. ID 51568) (“Fox 29 Philadelphia” or the “Station”) hereby files this Opposition to the Application for Review (“AFR”) of the Memorandum Opinion and Order granting the above-captioned renewal application, filed on February 18, 2025 by the Media and Democracy Project (“MAD”).¹ Just as MAD failed to plead the *prima facie* case required under Section 309(d) of the Communications Act of 1934, as amended (“Communications Act” or “Act”), for its Petition to Deny (“Petition”) in this proceeding, it has failed to state a case that would justify undoing the Bureau’s renewal grant under FCC rules, and the AFR should therefore be denied.

¹See Application for Review of Media and Democracy Project, GN Docket No. 25-11, MB Docket No. (Feb. 18, 2025) (AFR).

INTRODUCTION AND SUMMARY

For over a year and a half, Fox 29 Philadelphia's application for renewal of its broadcast license was subject to nearly unprecedented public scrutiny on the basis of MAD's Petition. At no point during this period has MAD or any other party advanced an argument that would justify upending decades of established Commission precedent, putting the Commission in a position fundamentally incompatible with the First Amendment, and threatening to deprive viewers in Philadelphia of a station that serves its community exceptionally well. Rather, MAD has sought to treat Fox 29 Philadelphia as collateral in its efforts to punish Fox 29 Philadelphia's corporate parent for speech disfavored by MAD that never even aired on the broadcast station subject to the Commission's rules. Although the appropriate outcome of this proceeding has been clear from the start, the FCC allowed MAD and its allies ample opportunity to be heard and even took the extraordinary step of subjecting Fox 29 Philadelphia's license renewal application to a "permit-but-disclose" public comment process. During all of that time, they failed to make their case.

Ultimately, the Bureau issued an Order that agreed entirely with the arguments Fox 29 Philadelphia put forth in August 2023 that "other than unsupported and inaccurate assertions about Fox 29 Philadelphia's news reporting, the Petition fails to articulate a single claim concerning FTS or Fox 29 Philadelphia" and that "MAD misconstrues and misapplies the Commission's character policies for broadcast licensees and their attributable interest holders."² Now MAD has filed this instant AFR, taking yet another bite at the proverbial apple, again without addressing the foundational shortcomings in its Petition. Because the Bureau applied

² Opposition of Fox Television Stations, LLC, LMS File No. 0000213362, at 2 (filed Aug. 2, 2023) (Opposition).

faithfully the established law, rules, and precedent and provided MAD with ample opportunity to generate a record helpful to its Petition, the Bureau Order should be affirmed and the AFR denied.

I. THE BUREAU ORDER PROPERLY APPLIED THE COMMUNICATIONS ACT AND FCC PRECEDENT.

Just as it has in every filing in this proceeding, MAD has again failed to plead the elements essential to obtain the relief it seeks. Under FCC rules, a party seeking review of an action taken on delegated authority must show that Bureau (or other designated authority) erred in at least one of the following ways:

- (i) The action taken pursuant to delegated authority is in conflict with statute, regulation, case precedent, or established Commission policy.
- (ii) The action involves a question of law or policy which has not previously been resolved by the Commission.
- (iii) The action involves application of a precedent or policy which should be overturned or revised.
- (iv) [The action contains an] erroneous finding as to an important or material question of fact.
- (v) [The action involved prejudicial] procedural error.³

MAD has not shown the Bureau decision conflicts with statute, regulation, precedent or established Commission policy; involves a novel question of law or policy; involves the application of a precedent or policy that should be overturned; makes an erroneous finding as to an important or material factual question; or was the result of prejudicial procedural error.⁴ Nor could it, because the Bureau fairly considered all the evidence introduced into the record and applied the license renewal standard under Section 309(k) of the Act and the *Character Policy Statements* in a manner consistent with the Communications Act, FCC rules, and established

³ 47 CFR § 1.115(b)(2).

⁴ See *Application of Connecticut Public Broadcast, Inc. to Convert to DTS Operation*, Memorandum Opinion and Order, 35 FCC Rcd 8978, 8982 ¶ 13 (2020).

Commission precedent. In its Petition, MAD failed to plead with statutorily required specificity and support substantial and material controverted factual issues sufficient to meet the “heavy burden on a party submitting a petition to deny,” and thus the Bureau reached the only conclusion that would be consistent with law, policy, and precedent: that the Petition must be denied and the renewal application must be granted.⁵

A. The Bureau Faithfully Applied Section 309(k) of the Act to Conclude that MAD Failed to Plead a *Prima Facie* Case in its Petition and Subsequent Filings.

The Communications Act sets forth a clear and narrow standard of review for broadcast station license renewal applications. Specifically, the Act provides that:

the Commission shall grant the application if it finds, with respect to [the filing] station, during the preceding term of its license –

- (A) the station has served the public interest, convenience, and necessity;
- (B) there have been no serious violations by the licensee of this chapter or the rules and regulations of the Commission; and
- (C) there have been no other violations by the licensee of this chapter or the rules and regulations of the Commission which, taken together, would constitute a pattern of abuse.⁶

MAD never attempted to engage with the plain language of these requirements, instead dwelling on its attempts to shoehorn the Commission’s *Character Policy Statements*—discussed *infra*—into this narrow renewal standard, despite Commission precedent to the contrary. Indeed, as observed by the Bureau, the Commission has explained that “Congress . . . expressly limited the scope of the license renewal inquiry to matters occurring at the particular station for which license renewal is sought.”⁷ Moreover, to prevail on a petition to deny a broadcast license renewal application, the petition must “contain specific allegations of fact sufficient to show that

⁵ *California Public Broadcasting Forum v. FCC*, 752 F.2d 670, 674 (D.C. Cir. 1985).

⁶ 47 U.S.C. § 309(k).

⁷ *Sagittarius Broadcasting Corp.*, Memorandum Opinion and Order, 18 FCC Rcd 22551, 22555 ¶ 3 (2003) (*Sagittarius*).

... a grant of the application would be prima facie inconsistent with subsection” (k).⁸ Because MAD never engaged with the renewal standard of Section 309(k), the only lawful outcome was for the Bureau to deny the Petition.

The Bureau faithfully applied the explicit congressional directives of Section 309 in its order. Specifically, the Bureau found that “the record reflects that [Fox 29 Philadelphia] has satisfied the requirements of Section 309(k),” for a broadcast license renewal.⁹ With regard to the first requirement of 309(k), MAD never made any attempt to contradict the chorus of bipartisan political leaders, local businesses and philanthropy organizations, and other community members who affirmed what Fox 29 Philadelphia first explained in its opposition to the Petition in August 2023: that it “has long served its community in an exemplary manner.”¹⁰ MAD instead focused on content that never aired on Fox 29 Philadelphia, without bothering to explain how that content negated Fox 29 Philadelphia’s exemplary record of public service.

⁸ 47 U.S.C. § 309(d).

⁹ *Preserving the First Amendment; Application of Fox Television Stations, LLC for Renewal of License of WTXF-TV, Philadelphia, PA*, Memorandum Opinion and Order, GN Docket No. 25-11, MB Docket No. 23-293, DA 25-57, at ¶ 10 (MB Jan. 16, 2025) (Bureau Order).

¹⁰ Opposition at 20. *See also, e.g.*, Letter from Todd Glickman, EVP & Chief Revenue Officer, Philadelphia Flyers (June 3, 2024); Letter from Lara Price, Chief Operating Officer, The Philadelphia 76ers (June 3, 2024); Letter from Bonnie Clark, Vice President, Philadelphia Phillies (June 3, 2024); Letter from U.S. Senator Robert P. Casey, Jr. and U.S. Senator John Fetterman (Feb. 23, 2024); Letter from Anthony Phillips, Philadelphia City Councilmember, 9th District (Oct. 23, 2023); Letter from Joe Brooks, Executive Director, Veterans Multi-Service Center (Oct. 18, 2023); Letter from Sharon Vaughn, Philadelphia City Councilmember, At-Large (Oct. 13, 2023); Letter from Katherine Gilmore Richardson, Philadelphia City Councilmember, At-Large (Oct. 11, 2023); Letter from Patrick J. Murphy, 32nd Under Secretary of the Army (Oct. 10, 2023); Letter from Regina A. Hairston, President and CEO, African American Chamber of Commerce of PA, NJ & DE (Sept. 26, 2023); Letter from Malcom Kenyatta, PA State Representative, 181st Legislative District (Sept. 7, 2023); Letter from Anthony A. Bellmon, PA State Representative, 203rd Legislative District (Aug. 5, 2023); Letter from Brendan F. Boyle and Brian Fitzpatrick, Members, U.S. House of Representatives (July 28, 2023); Letter from Shawn Mooring, Head of Philadelphia Programs, The Lenfest Institute for Journalism (July 27, 2023); Letter from Victor G. Carstarphen, Mayor, City of Camden (July 27, 2023).

With regard to the second and third requirements of 309(k), MAD never articulated a serious violation of FCC rules or a series of violations that would constitute a pattern of abuse. The Bureau rightly concluded that “except for the alleged violations of the OPIF rules, none of the conduct alleged by the Petitioners and Objectors involve the Station, and thus they have not raised issues pertinent to review of a renewal application under Section 309(k).”¹¹ MAD failed to state a *prima facie* case of a violation of the prohibition on news distortion by broadcast stations, because it never alleged that content which in its view would qualify as news distortion actually aired on Fox 29 Philadelphia.¹² And while MAD attempted to concoct a “pattern of abuse” by alleging various violations of the Commission’s public file requirements for broadcast stations, the Bureau correctly concluded that those allegations are “not sufficient to show that grant of the WTXF-TV application would be *prima facie* inconsistent with Section 309(k) of the Act.”¹³ Indeed, as explained by Fox 29 Philadelphia and validated by the Bureau, the Station has maintained its online public inspection file in accordance with FCC rules and the specific allegations of late uploads made by MAD were based on MAD’s misstatement as to the relevant filing deadlines.¹⁴

Nevertheless, MAD contends that the Bureau erred by applying in a straightforward manner this unmistakably clear language in the Communications Act and the Commission’s own precedent. Specifically, MAD argues that the Commission erroneously interpreted Section 309(k)(1) of the Act and “that non-FCC related conduct bearing on Fox’s character, whether or

¹¹ Bureau Order at ¶ 13.

¹² *Id.* at ¶ 14.

¹³ *Id.* at ¶ 15.

¹⁴ *See* Letter from Matthew S. DeNero, Counsel to FTS, to Marlene H. Dortch, Secretary, FCC, MB Docket No. 23-293 (Aug. 29, 2023). MAD did not challenge this in its AFR, and it is no longer subject to review.

not it was at the station, is relevant to the public interest standard the Commission is obligated to apply in a renewal proceeding.”¹⁵

To reach this conclusion, MAD conducts a collateral attack on multiple Commission-level decisions faithfully applying Section 309(k) and dating back over 20 years—a tactic that is wrong as a matter of substance and procedure.¹⁶ First, on the merits, MAD’s interpretation of Section 309(k) ignores the plain language of the statute, which, again, states that the Commission “shall” grant a station renewal application if it finds “with respect to that station” that the statutory criteria have been met. Any other reading of this language would ignore the plain text of Section 309(k) by reading the words “with respect to that station” out of the statute. As the Supreme Court has explained, “[w]e have stated time and again that courts must presume that a legislature says in a statute what it means and means in a statute what it says there.”¹⁷ Consistent with this “cardinal canon” of interpreting the plain text of a statute,¹⁸ the Commission long has applied the plain language of the Act in finding that “the scope of the license renewal inquiry [is limited] to matters occurring at the particular station for which license renewal is sought.”¹⁹

Second, as a matter of procedure, MAD’s AFR makes an untimely collateral attack on well-settled Commission precedent. MAD asserts that the Commission needed to conduct rulemaking proceedings to determine the meaning of the phrase “with respect to that station,” rather than following well-settled precedent adopted by the full Commission in *Sagittarius*

¹⁵ AFR at 7.

¹⁶ AFR at 7-14. MAD devotes approximately one third of its 22-page AFR to its collateral attack on Commission precedent faithfully applying the plain language of Section 309(k) of the Act.

¹⁷ *Conn. Nat’l Bank v. Germain*, 503 U.S. 249, 253-54 (1992) (internal citations omitted).

¹⁸ *Id.* at 253.

¹⁹ *Sagittarius*, 18 FCC Rcd at 22555 ¶ 3. See also *Entercom Sacramento License, LLC*, Memorandum Opinion and Order, 33 FCC Rcd 6615, 6618 ¶ 10 n.30 (2018) (*Entercom Sacramento*).

Broad. Corp. (2003) and the *Entercom* cases (2017 and 2018).²⁰ The time for seeking reconsideration or review of these decisions was thirty days after public notice of Commission action—a period that has long since passed.²¹ Accordingly, MAD’s arguments are an impermissible, indirect attack on Commission-level orders for which the right to review has expired, and they can be dismissed on this basis as well.

B. The Bureau Adhered to the Commission’s *Character Policy Statements*.

Despite the plain language of Section 309(k), MAD contends that the assessment of whether a station has served the public interest, convenience, and necessity essentially incorporates a review of the licensee’s character qualifications under the Commission’s *Character Policy Statements*.²² However, the Bureau properly noted that the “Commission has also explained that its ‘character policy does not override’” the statutory limitation in Section 309(k) that the scope of the broadcast license renewal inquiry be limited to matters occurring at the particular station.²³ Accordingly, MAD’s attempt to bootstrap the *Character Policy Statements* into Section 309(k)(1) fails on this point alone.

Regardless, as Fox 29 Philadelphia has explained on numerous occasions in this course of this proceeding, even if the Commission’s *Character Policy Statements* were relevant to the license renewal inquiry, MAD has not identified relevant conduct under those statements. The

²⁰ See AFR at 10; see also *Sagittarius*, 18 FCC Rcd at 22555 ¶ 3; *Entercom Sacramento* 33 FCC Rcd at 6618 ¶ 10 n.30; *Entercom License, LLC*, Memorandum Opinion and Order, 32 FCC Rcd 7149, 7153 ¶ 13 (2017).

²¹ 47 C.F.R. § 1.106.

²² See AFR at 14; see also *Policy Regarding Character Qualifications in Broadcast Licensing*, Report, Order and Policy Statement, 102 F.C.C.2d 1179, 1183 ¶ 7 (1986) (*1986 Character Policy Statement*); *Policy Regarding Character Qualifications in Broadcast Licensing*, Policy Statement and Order, 5 FCC Rcd 3252, 3252 ¶ 4 (1990) (*1990 Character Policy Statement*, and together with the *1986 Character Policy Statement*, the *Character Policy Statements*).

²³ Bureau Order at ¶ 11 (quoting *Entercom Sacramento*, 33 FCC Rcd at 6619 ¶ 10 n.32).

Character Policy Statements consider only FCC misconduct (which is not present here, as explained above), and an enumerated list of non-FCC misconduct. Specifically, the Commission enumerated the following closed list of four specific categories of non-FCC misconduct that can be relevant to the analysis of a licensee's character qualifications: (1) "adjudications of both criminal and civil violations of law . . . in which a specific finding of fraudulent representation to another governmental unit is made;" (2) "criminal convictions involving false statement or dishonesty;" (3) "any conviction for misconduct constituting a felony;" and (4) "broadcast related business misconduct [that] rises to the level of an adjudicated violation of either anticompetitive or antitrust laws."²⁴ In considering such adjudications, the Commission has emphasized that "there must be an ultimate adjudication by an appropriate trier of fact, either by a government agency or court, before we will consider the activity in our character determinations."²⁵ MAD has pled no such conduct in this proceeding.

Instead, MAD has repeatedly demanded that the Commission consider as relevant under the first category of non-FCC misconduct the factual findings in a partial summary judgement decision in a Delaware state court proceeding, and does so again in the AFR, despite clear precedent that indicates such findings are non-cognizable under the *Character Policy Statements*. The Bureau correctly concluded both (1) that the partial summary judgement order did not involve an adjudication of a civil violation of law in which a specific finding of fraudulent representation to another governmental unit was made, and (2) that the partial summary judgement order, even if it were relevant, could not be considered because it remained subject to

²⁴ *1986 Character Policy Statement*, 102 F.C.C.2d at 1196, 1201 ¶¶ 36-37, 43; *1990 Character Policy Statement*, 5 FCC Rcd at 3252 ¶ 4.

²⁵ *1986 Character Policy Statement*, 102 F.C.C.2d at 1205 ¶ 48.

de novo review and thus was not a final adjudication for the purposes of the *Character Policy Statements*.²⁶

Alternatively, MAD has demanded that the Commission consider what it characterizes as “non adjudicated misconduct” anyway, because in the view of MAD, the conduct is “so egregious as to shock the conscience and evoke almost universal disapprobation.”²⁷ There are at least two critical errors in MAD’s position. First, as the Bureau noted, the Commission has rarely invoked the exception to the general rule against considering non-adjudicated non-FCC misconduct articulated in the *Character Policy Statements*.²⁸ Specifically, the Commission has indicated that child molestation and drug trafficking were acts “so egregious as to shock the conscience,” but even in those cases there was ultimately a criminal conviction before Commission action.²⁹ The Bureau properly observed that MAD did “not squarely address how the conduct at issue here fits within that precedent.”³⁰ As Fox 29 Philadelphia explained in its Opposition to the Petition, each of the examples of this doctrine being invoked “concerned an alleged violation of a serious criminal offense . . . [and] MAD’s Petition does not suggest any criminal violation occurred, nor could it.”³¹ The Bureau was correct to conclude that conduct alleged in a partially adjudicated civil defamation suit could not serve as the basis for expanding

²⁶ Bureau Order at ¶ 18 (citing *1986 Character Policy Statement*, 102 F.C.C. 2d at 1204-05, para. 48 and n.62); see also *Paul v. Deloitte & Touche, LLP*, 974 A.2d 140, 145 (Del. 2009) (“We review the Superior Court’s decision on a motion for summary judgment *de novo*, applying the same standard as the trial court.”).

²⁷ AFR at 14; see also *1986 Character Policy Statement*, 102 F.C.C.2d at 1205 n.60.

²⁸ Bureau Order at ¶ 19.

²⁹ *Anne L. Weismann, Melanie Sloan, Antoinette Cook Bush, Joshua Gruenspecht*, Public Notice, 28 FCC Rcd 6312, 6318 (MB 2013) (citations omitted).

³⁰ Bureau Order at ¶ 19.

³¹ Opposition at 13.

this “shock the conscience and evoke almost universal disapprobation” exception, and MAD’s AFR has put forth no persuasive legal or policy rationale explaining why that faithful application of established precedent was wrong, nor could it.

Second, MAD’s argument fundamentally misconstrues the nature of this narrow exception. MAD claims that this exception expands the scope of “relevant” misconduct beyond the four categories adopted by the Commission. The exception, however, only addresses the adjudication status of the alleged non-FCC misconduct. This follows logically from the text of the *Character Policy Statement* and its discussion of the requirement that non-FCC misconduct generally be adjudicated. After multiple paragraphs articulating the four categories of non-FCC misconduct deemed potentially relevant to a licensee’s character qualifications, the Commission emphasized that it would “ordinarily . . . refrain from taking any action on non-FCC misconduct prior to adjudication by another agency or court.”³² As part of that very sentence, the Commission dropped a footnote in which it articulated the narrow exception to the prior adjudication requirement, explaining that “nonbroadcast misconduct so egregious as to shock the conscience and evoke almost universal disapprobation . . . might be a matter of Commission concern *even prior to adjudication by another body*.”³³ That is, the egregiousness of specific

³² *Policy Regarding Character Qualifications in Broadcast Licensing*, Report, Order and Policy Statement, 102 F.C.C.2d 1179, 1205-06 ¶ 48 (1986) (*1986 Character Policy Statement*). The full text of the sentence off of the quoted sentence and the immediately following sentence is: “It is our current practice to ordinarily to refrain from taking any action on non-FCC misconduct prior to adjudication by another agency or court. In the future, our current practice will be our actual policy.” *Id.*

³³ *Id.* at para. 48 n.60 (emphasis added). The full text of the footnote is as follows: “The Commission acknowledges that there may be circumstances in which an applicant has engaged in nonbroadcast misconduct so egregious as to shock the conscience and evoke almost universal disapprobation. *See e.g., supra*, comments of ABC at note 29. Such misconduct might, of its own nature, constitute prima facie evidence that the applicant lacks the traits of reliability and/or truthfulness necessary to be a licensee, and might be a matter of Commission concern even prior to adjudication by another body. The Commission cannot presently contemplate the manner in (continued...)

nonbroadcast conduct might justify consideration prior to full adjudication. Nothing in the *Character Policy Statement*, however, suggests that the Commission intended to expand the scope of nonbroadcast misconduct to be considered. And again, precedent has borne this reading out, with the Commission having only invoked the exception in cases that, once adjudicated, would constitute serious felonies, which are already within the scope of the four criteria that the Commission has deemed potentially relevant to a licensee's character qualifications.³⁴

II. GRANT OF FOX 29 PHILADELPHIA'S LICENSE RENEWAL APPLICATION WAS NOT "POLITICAL" OR OTHERWISE ARBITRARY OR CAPRICIOUS.

MAD contends falsely that the decision to grant (and then not promptly reverse) Fox 29 Philadelphia's license renewal application represents "politically-charged" decision making.³⁵ In making this unfounded claim, MAD disregards the ample record evidence in this proceeding, as well as the bipartisan support from elected officials and other community leaders that the station received for its renewal application.³⁶ As the U.S. Senate delegation from Pennsylvania observed in 2024, the record compiled in this matter "is replete with comments from Philadelphia residents, organizations, and elected officials from a range of backgrounds attesting

which circumstances might arise, and stresses that such considerations would come into play only with regard to a specific application involving specific misconduct." *Id.* The cross-referenced footnote 29 refers to the following examples of misconduct discussed in the record: assassination, murder, terrorism, or felonies involving moral turpitude. *Id.* at para. 9, n.29.

³⁴ See, e.g., *USA Broadcasting, Inc., Mem. Op. and Order*, 19 FCC Rcd. 4253, 4256, para. 9 (2004) (citing *Contemporary Media Inc.*, 10 FCC Rcd 13685, 13687 n.9 (1995); *Williamsburg County Broadcasting Corp.*, 5 FCC Rcd 3034, 3035 (1990); and *Dubuque TV Ltd. Partnership*, 3 FCC Rcd 1886, 1886-87 (1988)) (declining to consider unadjudicated allegations of misrepresentation to a state court in a breach of contract case).

³⁵ AFR at 18.

³⁶ Indeed, Chairman Carr has observed that the decision to grant the renewal application and deny the Petition came only after "the FCC had already sought public comment and had a record on it." See Ted Hearn, *Policyband Special Report: Exclusive Interview with FCC Chairman Brendan Carr*, POLICYBAND (Feb. 24, 2025), <https://www.policyband.com/p/policyband-special-report-exclusive>.

to the station's commitment to upholding the core values of local broadcasting and to serving Philadelphia's residents."³⁷

Notably, throughout this proceeding, it has been MAD and its allied filers that have attempted to inject politics into the Commission's license renewal processes.³⁸ It has been MAD, not Fox 29 Philadelphia or its many supporters in its viewing area, that has suggested the Commission should somehow transform its license renewal process to punish speakers it dislikes.³⁹ It has been MAD, not Fox 29 Philadelphia, that has asked the Commission to ignore decades of precedent and the plain text of the Communications Act to reach a desired result.⁴⁰ It is MAD and only MAD that has been playing politics and ignoring the law.

To the extent there was anything unusual about this proceeding, it was in MAD's favor: specifically, the grant of MAD's request that the proceeding be governed by "permit-but-disclose" procedures, notwithstanding the fact that this is a party-specific, adjudicatory matter.⁴¹ This process afforded MAD with ample opportunity over the last year and a half to introduce any arguments into the record that could have salvaged its Petition. It was unable to do so because no such arguments exist, and MAD instead submitted repetitious filings that often made policy

³⁷ See Letter from U.S. Senator Robert P. Casey, Jr. and U.S. Senator John Fetterman, at 1 (Feb. 23, 2024).

³⁸ See, e.g., Informal Comments of The Media and Democracy Project, et al., MB Docket No. 23-293 (Jan. 6, 2025) (*Jan. 6, 2025 ex parte*).

³⁹ See, e.g., Informal Comment of Preston Padden, MB Docket No. 23-293 (Nov. 19, 2024).

⁴⁰ See, e.g., Further Informal Comments of The Media and Democracy Project and Alfred Sikes, Ervin S. Duggan, William Kristol, William Reyner, Preston Padden: In Support of the Petition to Deny the License Renewal Application of WTXF-TV, MB Docket No. 23-293 (Nov. 19, 2024) (arguing that "it would be a great service to the public interest for this Commission to establish a bright-line test to provide clear guidance on when a hearing is required," without acknowledging that the Commission has established such a bright-line test via its *Character Policy Statement* and its decisions faithfully applying the plain text of Section 309(k) of the Communications Act).

⁴¹ See Opposition at 4; Bureau Order at ¶ 10.

arguments without regard to the controlling law, rules, and precedent. As explained above, the Bureau rightly concluded that the state court partial summary judgment decision was not a final adjudication for the purposes of the *Character Policy Statements* and therefore not cognizable in this license renewal proceeding.

Since first receiving MAD's Petition over 600 days ago, Fox 29 Philadelphia engaged in this process in good faith, confident from the outset that because of its service to its local community, a straightforward application of the Commission's rules and precedent would invariably lead the Commission to grant the renewal and deny the Petition. And ultimately, this is exactly what happened. This process required Fox 29 Philadelphia to expend considerable resources addressing frivolous arguments in defense of its service the greater Philadelphia community. Any attempts to further extend this process on the basis of arguments that never carried persuasive weight should be denied.

CONCLUSION

Fox 29 Philadelphia was pleased to see the Bureau agree with the ultimate conclusions it first put forward in August 2023 that MAD had failed to plead a *prima facie* case to deny a license renewal application and had misapplied the well-established *Character Policy Statements*. MAD's AFR does nothing to alter that conclusion. Accordingly, Fox 29 Philadelphia urges the Commission to adhere to its own precedent, weigh the evidence in the record fairly, and deny the AFR without further consideration.

Respectfully submitted,



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March 5, 2025

CERTIFICATE OF SERVICE

I, Joseph M. Di Scipio, do hereby certify that on this 5th day of March, 2025, I caused a true and correct copy of the foregoing Opposition to the Application for Review filed by the Media and Democracy to be served in the delivery manner specified below upon:

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From: [Erin Boone](#)
To: [Benjamin Arden](#); [Alexander Sanjens](#)
Subject: FW: (b) (5)
Date: Thursday, March 6, 2025 2:54:00 PM
Attachments: [3 - FCC MOO and NAL \(Pw-\(b\) \(6\)\).pdf](#)
[4 -FCC Forfeiture Order \(Pw-\(b\) \(6\)\).pdf](#)
[2 -FCC MOO and Order on Reconsideration.pdf](#)
[\(b\) \(5\) - CLEAN \(EB and AUSA edits\) +bc.docx](#)

FYI – (b) (5), (b) (7)(A)

[REDACTED]

Erin Boone
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202-418-0736 | erin.boone@fcc.gov

From: Adam Candeub <Adam.Candeub@fcc.gov>
Sent: Thursday, March 6, 2025 2:49 PM
To: Erin Boone <Erin.Boone@fcc.gov>
Subject: FW: (b) (5)

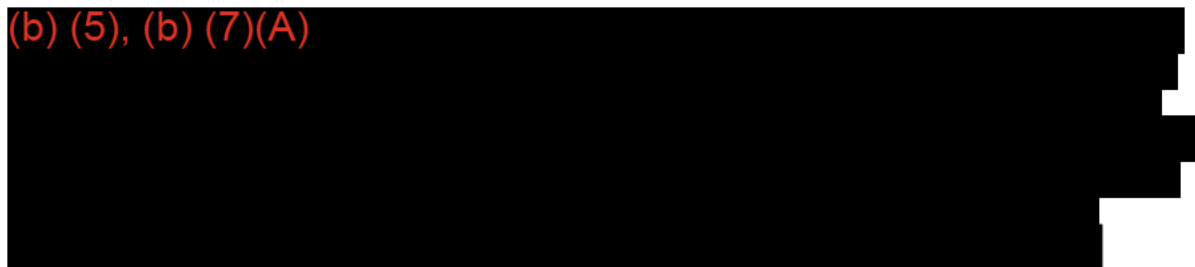
From: Bradley Craigmyle <Bradley.Craigmyle@fcc.gov>
Sent: Thursday, March 6, 2025 9:52 AM
To: Adam Candeub <Adam.Candeub@fcc.gov>
Subject: FW: (b) (5)

Bradley Craigmyle
Deputy General Counsel
Federal Communications Commission
45 L Street NE
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(202) 418-1738 (office)
(b) (6) (cell)

From: Bradley Craigmyle <Bradley.Craigmyle@fcc.gov>
Sent: Tuesday, March 4, 2025 6:08 PM
To: Adam Candeub <Adam.Candeub@fcc.gov>
Subject: FW: (b) (5)

Adam,

(b) (5), (b) (7)(A)



Happy to discuss if you'd like.

Bradley

Bradley Craigmyle
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45 L Street NE
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(b) (6) (cell)

From: Jacob Lewis <Jacob.Lewis@fcc.gov>
Sent: Tuesday, February 25, 2025 4:51 PM
To: Bradley Craigmyle <Bradley.Craigmyle@fcc.gov>
Subject: FW: (b) (5)

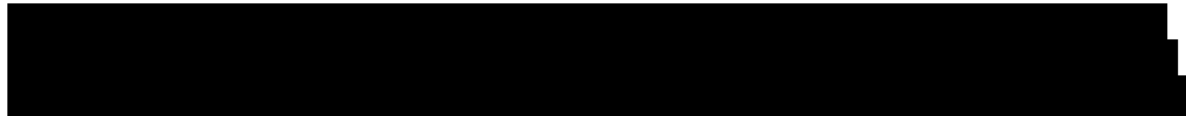

Apologies. Now with the (b) (5)

From: Jacob Lewis
Sent: Tuesday, February 25, 2025 4:42 PM
To: Bradley Craigmyle <Bradley.Craigmyle@fcc.gov>
Cc: Megan Davis <Megan.Davis@fcc.gov>
Subject: Deerfield complaint

Bradley – (b) (5), (b) (7)(A)



(b) (5), (b) (7)(A)



Happy to discuss. Jake

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of)	
)	
DIRECTV, LLC; AT&T Services, Inc.,	)	MB Docket No. 19-168
)	
Complainants,	)	CRS No. 8979-C
)	
v.	)	Account Nos.: MB-202041430002, MB-
	)	202041430003, MB-202041430004, MB-
Deerfield Media, Inc.; Deerfield Media (Port	)	202041430005, MB-202041430006, MB-
Arthur) Licensee, LLC; Deerfield Media	)	202041430007, MB-202041430009, MB-
(Cincinnati) Licensee, LLC; Deerfield Media	)	202041430010, MB-202041430011, MB-
(Mobile) Licensee, LLC; Deerfield Media	)	202041430012, MB-202041430013, MB-
(Rochester) Licensee, LLC; and Deerfield Media	)	202041430014, MB-202041430015, and MB-
(San Antonio) Licensee, LLC; GoCom Media of	)	202041430016
Illinois, LLC; Howard Stirk Holdings, LLC; HSH)	
Flint (WEYI) Licensee, LLC; and HSH Myrtle)	
Beach (WWMB) Licensee, LLC; Mercury)	
Broadcasting Company, Inc.; MPS Media of)	
Tennessee Licensee, LLC; MPS Media of)	
Gainesville Licensee, LLC; MPS Media of)	
Tallahassee Licensee, LLC; MPS Media of)	
Scranton Licensee, LLC; Nashville License)	
Holdings, LLC; KMTR Television, LLC; Second)	
Generation of Iowa, LTD; Waitt Broadcasting, Inc.,)	
)	
Defendants.)	

MEMORANDUM OPINION AND ORDER AND ORDER ON RECONSIDERATION

Adopted: March 14, 2022

Released: March 14, 2022

By the Commission:

I. INTRODUCTION

1. By this Memorandum Opinion and Order and Order on Reconsideration (Order), we dismiss and, on alternative and independent grounds, deny the petition for reconsideration (Petition) filed by broadcast TV station licensees Deerfield Media, Inc., et al. (collectively, Defendants)¹ seeking

¹Defendants’ Petition for Reconsideration, MB Docket No. 19-168 (filed Aug. 27, 2021), <https://ecfsapi.fcc.gov/file/1082713187958/PUBLIC%20-%202021-08-27%20-%20FINAL%20Petition%20for%20Reconsideration.pdf> (Petition). The remaining Defendants are 14 licensees across seven broadcast station groups: Deerfield Media (Port Arthur) Licensee, LLC; Deerfield Media (Cincinnati) Licensee, LLC; Deerfield Media (Mobile) Licensee, LLC; Deerfield Media (Rochester) Licensee, LLC; Deerfield Media (San Antonio) Licensee, LLC; GoCom Media of Illinois, LLC (GoCom); MPS Media of Tennessee Licensee, LLC; MPS Media of Gainesville Licensee, LLC; MPS Media of Tallahassee Licensee, LLC; MPS Media of Scranton Licensee, LLC; Nashville License Holdings, LLC; KMTR Television, LLC; Second Generation of Iowa, LTD (Second Generation); and Waitt Broadcasting, Inc. Several of the original defendants in this proceeding are not parties to the Petition or this Order. The Media Bureau dismissed the underlying complaint with respect to

(continued....)

reconsideration of a *Forfeiture Order* issued by the Commission that imposed a \$512,228 penalty per-station against each Defendant for willfully and repeatedly violating the Commission’s good faith negotiation requirements.² For the reasons explained below, we dismiss the Petition on procedural grounds and, as an independent and alternative basis for this decision, deny it on the merits. We also dismiss a second petition for reconsideration of the *Forfeiture Order* filed separately by Second Generation (Supplemental Petition), finding that its request for reconsideration of the forfeiture amount based on an inability to pay is untimely and consideration of this claim is not in the public interest. We also deny Second Generation’s request for a waiver to allow for consideration of its untimely inability-to-pay claim.

II. BACKGROUND

2. The *Forfeiture Order* recites in detail the facts underlying this proceeding.³ To briefly summarize, this Petition arises out of a 2019 good faith complaint filed by DIRECTV, LLC and AT&T Services, Inc. (collectively, AT&T) against the Defendants for violating their good faith negotiation obligations during retransmission consent negotiations.⁴ The current Defendant licensees are each members of one of seven station groups (Defendant Station Groups) that operate 17 broadcast television stations (Defendant Stations), among other broadcast stations that are not subject to this proceeding.⁵ This case was first adjudicated by the Media Bureau (the Bureau), which held that Defendants breached their individual duties to negotiate in good faith and ordered the parties to resume negotiations, while noting that the Commission “reserve[d] the right to take enforcement action proposing a forfeiture for the violations of the Act and our rules.”⁶ Defendants filed an Application for Review of the *Bureau Decision* with the Commission.⁷ Upon review, the Commission affirmed the Bureau’s findings and issued a notice of apparent liability for forfeiture against the Defendant Licensees (*MO&O/NAL*).⁸ Defendants opposed the Commission’s findings and the proposed forfeiture amount of \$512,228 per-station.⁹

3. In the *Forfeiture Order*, we determined that Defendants willfully and repeatedly breached their individual duties to negotiate retransmission consent in good faith, in violation of section

Deerfield Media, Inc. because it was not the licensee of any of the Defendant Stations. Additionally, Howard Stirk Holdings, LLC and its named subsidiaries—HSH Flint (WEYI) Licensee, LLC and HSH Myrtle Beach (WWMB) Licensee, LLC—have separately resolved this matter with the Commission. *Howard Stirk Holdings, LLC; HSH Flint (WEYI) Licensee, LLC; and HSH Myrtle Beach (WWMB) Licensee, LLC*, MB Docket No. 19-168, Order, 35 FCC Rcd 4517 (MB 2020). Most recently, Mercury Broadcasting Company, LLC (Mercury) paid the forfeiture imposed against it following the release of the *Forfeiture Order* and is therefore no longer a party to this proceeding.

² *DIRECTV, LLC and AT&T Services, Inc. v. Deerfield Media, Inc., et al.*, Forfeiture Order, FCC 21-89, at 9, para. 20 (July 28, 2021) (*Forfeiture Order*). The Commission imposed a reduced forfeiture on Mercury Broadcasting, Inc. due to its timely demonstrated inability to pay. *Id.* at part III.C.

³ *Id.* at 3-8, paras. 4-19.

⁴ Verified Complaint of DIRECTV, LLC and AT&T Services, Inc. for the Station Groups’ Failure to Negotiate in Good Faith, MB Docket No. 19-168 (filed June 18, 2019) (Complaint).

⁵ Defendants’ Answer to Good Faith Complaint, MB Docket No. 19-168, at 30-32 (filed Aug. 6, 2019) (Answer).

⁶ *DIRECTV, LLC and AT&T Services, Inc. v. Deerfield Media, Inc., et al.*, MB Docket No. 19-168, Memorandum Opinion and Order, 34 FCC Rcd 10367, 10369, n.11 & 10383-84, para. 35 (MB 2019) (*Bureau Decision*). Shortly after the release of the *Bureau Decision*, AT&T completed carriage agreements with all of the Defendant Stations. *DIRECTV, LLC and AT&T Services, Inc. v. Deerfield Media, Inc., et al.*, MB Docket No. 19-168, Memorandum Opinion and Order and Notice of Apparent Liability for Forfeiture, 35 FCC Rcd 10695, 10703, para. 20 & n.102 (2020) (*MO&O/NAL*).

⁷ Defendants’ Application for Review, MB Docket No. 19-168 (filed Dec. 9, 2019) (AFR).

⁸ See generally *MO&O/NAL*, 35 FCC Rcd 10695.

⁹ Defendants’ Response to Memorandum Opinion and Order and Notice of Apparent Liability for Forfeiture, MB Docket No. 19-168 (filed Oct. 15, 2020) (NAL Response).

325(b)(3)(C) of the Communications Act of 1934, as amended (the Act), by allowing their joint agent to engage in conduct that violated three of the *per se* good faith negotiation standards under section 76.65(b)(1) of the Commission’s rules.¹⁰ Based on the evidence in the record, we found that Defendants’ agent repeatedly refused to negotiate for carriage of the Defendant Stations or respond to AT&T’s carriage proposals, even as the existing carriage contracts expired, extension deadlines lapsed, and stations went dark.¹¹ We held that this conduct clearly violated Defendants’ obligations under the *per se* standards to: (1) “participate in retransmission consent negotiations with the intent of reaching agreement,” (2) refrain from acting in a manner that unreasonably delays retransmission consent negotiations, and (3) respond to retransmission consent proposals from the other party, including giving the reasons for the rejection of any such proposal.¹² The *Forfeiture Order* affirmed the forfeiture proposed in the *MO&O/NAL* for all Defendant Stations except the one licensed to Mercury.¹³ In light of its timely demonstrated inability to pay, we reduced Mercury’s forfeiture amount to \$30,000.¹⁴

4. We considered and found unavailing Defendants’ other arguments for a reduced forfeiture amount, including their claim that because this was the first forfeiture issued for a violation of the good faith standard, they “had no relevant guidance about how the Commission would ultimately apply its rules or the amount of penalties that the Commission would consider reasonable for a violation.”¹⁵ In rejecting this argument, we noted that this is not the first time a party has been found liable under this good faith rule, and that “each of the Defendants was on notice that the Commission takes violations of the good faith rules extremely seriously.”¹⁶ In 2016, Defendants each received letters of inquiry (LOIs) concerning an investigation of possible violations of the good faith requirements. Later that same year Sinclair—a station group with which each Defendant has a close relationship¹⁷—signed a consent decree (CD) with the Commission under which it agreed to pay approximately \$9.5 million to resolve an investigation involving, among other things, suspected violations of the same good faith rule broken by Defendants.¹⁸

5. Defendants now file this Petition asking the Commission to reconsider its decision and vacate the *Forfeiture Order*.¹⁹ Defendants assert that the *Forfeiture Order* violated their Fifth Amendment due process rights because: (1) they lacked fair notice that their conduct with respect to AT&T was in violation of the good faith requirements,²⁰ and (2) they lacked fair notice of the magnitude of the penalty imposed against them.²¹ In addition, one of the Defendant Station Groups, Second Generation of Iowa, LTD., (Second Generation) has separately filed a supplemental petition for reconsideration (Supplemental Petition) seeking, in the alternative, a reduction in its forfeiture based on

¹⁰ 47 U.S.C. § 325(b)(3)(C); 47 § CFR 76.65(b)(1); *Forfeiture Order* at 9-10, paras. 20-23.

¹¹ *Forfeiture Order* at 9-10, para. 22.

¹² *Id.*

¹³ *Id.* at 14, para. 32.

¹⁴ *Id.* at 18-19, para. 40. Mercury has paid its forfeiture, accepting responsibility for these violations, and is no longer a party to this proceeding.

¹⁵ *Id.* at part III.B & 15-16, para. 34; NAL Response at 25.

¹⁶ *Forfeiture Order* at 15-16, para. 34.

¹⁷ *Id.* at 3, para. 4.

¹⁸ *Id.* at 15-16, para. 34; *Sinclair Broadcast Group, Inc.*, Order, 31 FCC Rcd 8576 (2016).

¹⁹ Petition at ii.

²⁰ *Id.* at 4-11.

²¹ *Id.* at 11-14.

an alleged inability to pay.²²

III. DISCUSSION

6. We dismiss and, on alternative and independent grounds, deny the Petition. In addition, we dismiss the Supplemental Petition and deny its request, in the alternative, for a waiver. Defendants have not demonstrated sufficient grounds for reconsideration of the Commission's *Forfeiture Order* under our rules, and Defendants' substantive due process arguments do not persuade us that we should amend our prior decision. We likewise dismiss the Supplemental Petition under section 1.106 of the Commission's rules and deny its waiver request, as Second Generation has failed to demonstrate that we should excuse its delay in filing an inability-to-pay claim in order to now reconsider the forfeiture imposed in it.

A. Dismissal of the Petition

7. We find that dismissal of the Petition is warranted under section 1.106 of the Commission's rules because Defendants failed to raise their constitutional due process arguments earlier in this proceeding though they could have done so.²³ We also note that, contrary to Defendants' misreading of our rules, the Commission's decision in the *Forfeiture Order* does not constitute an "argument[] unknown to petitioner" that creates a right of response.²⁴ Further, Defendants fail to identify any other public interest that would require the consideration of this Petition. We therefore dismiss the Petition in full.

8. Section 1.106(c) provides that a petition for reconsideration will be granted only if the petition raises facts or arguments that could not have been raised sooner, or if the Commission determines that consideration "is required in the public interest."²⁵ We disagree with Defendants' contention that their constitutional due process claim is an "argument[] unknown . . . until after [the] last opportunity to present [it] to the Commission" and that they "could not through the exercise of ordinary diligence have learned of the [] argument[] in question prior to such opportunity."²⁶ Defendants had ample opportunity to raise a constitutional due process claim in response to the *NAL*, in which the Commission fully explained the facts supporting the violation and the basis for the proposed forfeiture. But, Defendants did not make any constitutional due process claims in this proceeding prior to this Petition, and Defendants do not argue that they were foreclosed in any way from making such arguments at the time.²⁷ Defendants contend that they "previously asserted" their "fair notice" argument in their *NAL* Response when they stated that: "Defendants had no relevant guidance about how the Commission would ultimately apply its rules or the amount of penalties that the Commission would consider reasonable for a violation. Certainly it had no reason to believe that the Commission would calculate penalties in a manner that would reach the statutory maximum."²⁸ In making these statements, the Defendants never developed any argument, cited any authority, or claimed that there was a constitutional violation. A passing reference to a claim of "no relevant guidance," like the one Defendants made in their *NAL* Response, is not equivalent to

²² Second Generation of Iowa, Ltd.'s Supplemental Petition for Reconsideration, MB Docket No. 19-168 (filed Aug. 27, 2021).

²³ 47 CFR § 1.106(c)(1).

²⁴ Petition at 1, n.3 (citing 47 CFR § 1.106(b)(2)(ii)).

²⁵ 47 CFR § 1.106(c).

²⁶ Petition at 1, n.3 (citing 47 CFR § 1.106(b)(2)(ii)).

²⁷ Petition at 1, n.3.

²⁸ *Id.*; *NAL* Response at 25.

actually making a constitutional due process argument.²⁹ As the D.C. Circuit has held, the mere mention of a legal concept is insufficient to properly raise an argument for consideration.³⁰

9. In any event, the Commission in the *Forfeiture Order* responded to this passing reference by explaining why there was adequate notice.³¹ But, the Commission's rejection in the *Forfeiture Order* of Defendants' passing reference to notice concerns does not amount to changed circumstances or "facts or arguments unknown to petitioner[s]" at the time of their earlier filings.³² Defendants claim that given "the Commission's reliance on [a] new argument" in the *Forfeiture Order*, the Petition is warranted under section 405(a) of the Act and section 1.106(c) of our rules.³³ According to Defendants, when we addressed Defendants' passing reference to fair notice by reminding the Defendants of the Sinclair CD and LOIs, this response constituted a new argument previously unknown to the Defendants—"a newly asserted basis for providing Defendants fair notice"—that we relied on in our decision.³⁴ Defendants contend that, because we "only indirectly address[ed]" Defendants' unformed notice claims in the *Forfeiture Order*, we must now also consider Defendants' newly formed due process arguments.³⁵ However, our discussion of the Sinclair CD and LOIs does not constitute an "argument[]" unknown to

²⁹ See e.g., AFR at 22-23 (arguing that the Bureau imposed new requirements for retransmission consent negotiations that exceeded the Commission's standards, but failing to raise a Fifth Amendment due process argument); *id.* at v (arguing that "the Bureau is now threatening to go even farther by imposing outsized forfeitures on Defendants" but failing to raise any constitutional argument regarding the magnitude of a potential forfeiture amount).

³⁰ *Amendment of Part 95 of the Commission's Rules to Provide Regulatory Flexibility in the 218-219 MHz Service*, WT Docket No. 98-169, Third Order on Reconsideration of the Report and Order and Memorandum Opinion and Order, 17 FCC Rcd 8520, 8527, para. 19 (2002) (citing *Time Warner Entertainment Co. v. FCC*, 144 F.3d 75, 79 (D.C. Cir. 1998) ("even where an issue has been 'raised' before the Commission, if it is done in an incomplete way . . . the Commission has not been afforded a fair opportunity [to pass on the issue]")); *Bartholdi Cable Co. v. FCC*, 114 F.3d 274, 279-80 (D.C. Cir. 1997) ("The Commission need not sift pleadings and documents to identify arguments that are not stated with clarity") (quotations omitted). Defendants' passing reference to notice in their NAL Response also fails to meet the requirement, in the judicial context, that legal arguments be developed to be considered properly raised. See *Carducci v. Regan*, 714 F.2d 171, 177 (D.C. Cir. 1982) ("We will not resolve [an] issue on the basis of briefing and argument of counsel which literally consisted of no more than an assertion of violation of due process rights, with no discussion of case law supporting that proposition or of the statutory text and legislative history relevant to the central question."); see also *Washington Association for Television and Children v. FCC*, 712 F.2d 677, 681 (D.C. Cir. 1983) (finding appellant "never explicitly" made its argument); *Alianza Federal de Mercedes v. FCC*, 539 F.2d 732, 739 (D.C. Cir. 1976) (stating that the "gist" of appellant's argument was there, but "nothing was made of it").

³¹ *Forfeiture Order* at 13-14, para. 34.

³² 47 CFR §§ 1.106(c)(1), 1.106(b)(2). With respect to changed circumstances under section 1.106(b)(2)(i), the Commission has held: "Legal determinations and factual conclusions previously reached by the Commission in the same proceeding are not changed circumstances satisfying the requirements for appeal. This is true even where the petitioner has embellished or expanded upon its original arguments by presenting additional supporting evidence in an attempt to reinforce its original contentions." *Federal-State Joint Board on Universal Service*, Second Order on Reconsideration and Order, 35 FCC Rcd 2641 (2020) (citing *Shaw Communications, Inc.*, Order on Reconsideration, 27 FCC Rcd 6995, 6996, para. 4 (MB 2012) ("[T]he Commission's rejection of a previously raised argument" does not satisfy the requirements of section 1.106(b)(2)(i), "since of necessity the Commission's order in any case will have been released after the aggrieved party was last able to present its arguments in pleadings."); *M&M Communications, Inc.*, Memorandum Opinion and Order, 2 FCC Rcd 5100, 5100, para. 6 (CCB 1987) ("The Commission's disposition in a Review Order, of arguments raised in an Application for Review, does not constitute 'changed circumstances' pursuant to section 1.106(b)(2).").

³³ Petition at 1, n.3.

³⁴ *Id.*

³⁵ *Id.*

petitioner,” that creates a right of response.³⁶ Section 1.106(b)(2)(ii) does not in any way contemplate a right of response warranting a petition for reconsideration. Indeed, the rule in question unambiguously contemplates that the new “argument” the petition “relies on” would be one *made by a petitioner itself* (as opposed to a decision reached by the Commission to which it would have an opportunity to respond).³⁷ Indeed, to hold otherwise would mean the Commission “must entertain petitions for reconsideration of *all* its orders, casting it into a Möbius loop of orders and petitions for reconsideration that could never reach finality.”³⁸ The Defendants were well aware of the facts and arguments that underlie their due process claims at the time of their last opportunity to present these claims to the Commission.³⁹ Defendants knew the amount of the forfeiture when the Commission issued the underlying *NAL*. Had Defendants chosen to do so, they could have raised their due process arguments as part of a timely response to it, rather than as a request for reconsideration of the *Forfeiture Order*. Accordingly, there is no basis under our procedural rules that would warrant a petition for reconsideration.

10. Further, we find that dismissal is appropriate under section 1.106(c)(2) because Defendants have failed to demonstrate, or indeed even attempt to demonstrate, that the public interest requires consideration of the new arguments raised in the Petition.⁴⁰ Indeed, aside from raising due process arguments that could have been raised earlier in the proceeding, the Petition merely rehashes theories and interpretations of fact that have been fully considered and rejected in this proceeding.⁴¹ For example, the core of Defendants’ notice argument—“the Commission failed to fairly notify Defendants that pursuing sequenced joint negotiations using one agreement as a template would constitute a *per se* violation of the agency’s good faith negotiation requirement”⁴²—ignores the fact that the Commission has repeatedly found that Defendants were *not* engaging in “sequenced joint negotiations using one agreement as a template,” but were in fact refusing to negotiate with respect to the Defendant Station Groups despite actively negotiating for carriage of an unrelated group of stations, and were not at any time using a “template.”⁴³ While Defendants now couch their arguments as Fifth Amendment claims, they are essentially unchanged from the AFR and the *NAL* Response.⁴⁴ Because the Petition relies on facts and arguments that were fully considered and rejected by the Commission in this proceeding, we find that the public interest does not compel reconsideration.⁴⁵

³⁶ *Id.*

³⁷ 47 CFR §§ 1.106(c)(1), 1.106(b)(2)(ii). We also observe the requirement of the rule that the new argument in question could not “through the exercise of ordinary diligence” have been known to the petitioner at the time of its prior filings. 47 CFR § 1.106(b)(2)(ii). That is not the case here as Defendants had ample opportunity to raise their constitutional due process arguments in response to the *NAL*.

³⁸ *Shaw Communications*, 27 FCC Rcd at 6996, para. 4.

³⁹ 47 CFR §§ 1.106(c)(1), 1.106(b)(2)(ii).

⁴⁰ 47 CFR § 1.106(c)(2); Petition at n.3.

⁴¹ *Id.*

⁴² Petition at 2.

⁴³ *MO&O/NAL*, 35 FCC Rcd at 10709-12, paras. 35-36, 41-42; *Forfeiture Order* at 9, 11-12, paras. 20, 25-27.

⁴⁴ We note that a petition for reconsideration is not intended to be an opportunity for a party to relitigate factual findings already upheld by the Commission, and Defendants’ attempt to do so here warrants dismissal, at least in part, on such grounds alone under section 1.106(b). See 47 CFR § 1.106(b).

⁴⁵ See *Shaw Communications*, Letter Order, 27 FCC Rcd 6995, 6995, para. 5 (MB 2012) (dismissing petition for reconsideration and finding that the public interest did not compel reconsideration where petition relied on facts and arguments that were fully considered and rejected by the Commission previously in the proceeding). We also dismiss Defendants’ request that we reconsider the forfeiture amount with respect to GoCom. We fully considered and rejected this request in the *Forfeiture Order*. See *Forfeiture Order* at 18, para. 38; *infra* para. 28.

11. Accordingly, we dismiss the Petition because it fails to meet the requirements of section 1.106 of the Commission's rules.⁴⁶

B. Denial of the Petition

12. As an independent and alternative basis for our decision, we also deny the Petition, in full, on the merits. As detailed below, the Petition offers no facts or arguments that would warrant altering the Commission's findings or reducing the amount of its forfeiture.

1. Defendants had Fair Notice that their Conduct was Prohibited

13. We are not persuaded that the Defendants lacked notice of their legal obligation to negotiate retransmission consent in good faith and that refusing to negotiate, unreasonably delaying negotiations, and failing to respond to proposals for carriage each independently constituted *per se* violations of the good faith requirement. Since its adoption over 20 years ago, the good faith rule has required every broadcast television station and multichannel video programming distributor (MVPD) to participate actively in negotiations with the intent of reaching agreement. Defendants failed to make this basic gesture of good faith. We therefore affirm our conclusion that Defendants willfully and repeatedly violated section 325(b) of the Act and section 76.65 of the Commission's rules.

14. We disagree with Defendants' argument that the *Forfeiture Order* violated their due process rights because they did not have fair notice that their conduct during the retransmission consent negotiations with AT&T was prohibited.⁴⁷ Specifically, Defendants claim that we broke from precedent and adopted a new interpretation of the good faith rule that undermines otherwise permissible joint negotiation.⁴⁸ Defendants also assert that, in the absence of guidance to the contrary, the stations reasonably and in good faith believed that their conduct was permissible.⁴⁹

15. Generally, a regulated party must be able to identify, with ascertainable certainty, the standards with which the agency expects parties to conform.⁵⁰ The requirements of section 76.65(b)(1) are not novel and have been well settled via rulemaking and administrative action for over 20 years.⁵¹ The rule is clear: it lists specific acts or practices that violate the duty to negotiate retransmission consent agreements in good faith.⁵² The rule itself is supplemented by an explanation of the rule's purpose in its

⁴⁶ 47 CFR §§ 1.106(b)-(c).

⁴⁷ Petition at 4-11.

⁴⁸ *Id.* at 4-5.

⁴⁹ *Id.* at 5-11.

⁵⁰ *Star Wireless, LLC v. FCC*, 522 F.3d 469, 473 (D.C. Cir. 2008) ("In assessing forfeitures against regulated entities, the Commission is required to provide adequate notice of the substance of the rule. . . . The court must consider whether by reviewing the regulation and other public statements issued by the agency, a regulated party acting in good faith would be able to identify, with ascertainable certainty, the standards with which the agency expects parties to conform.") (internal quotations and citations omitted); *General Electric Co. v. EPA*, 53 F.3d 1324, 1328-29 (D.C. Cir. 1995) (discussing whether GE had adequate notice of EPA's rules interpretation, and finding "[i]n such cases, we must ask whether the regulated party received, or should have received, notice of the agency's interpretation in the most obvious way of all: by reading the regulations"); *United States v. Lachman*, 387 F.3d 42, 58 (1st Cir. 2004) ("These ['ascertainable certainty'] cases, however, do not stand for the proposition that any ambiguity in a regulation bars punishment."); *Suburban Air Freight, Inc. v. TSA*, 716 F.3d 679, 684 (D.C. Cir. 2013) (fair warning cases are a "very limited set of cases").

⁵¹ 47 CFR § 76.65(b)(1); *Implementation of the Satellite Home Viewer Improvement Act of 1999, Retransmission Consent Issues: Good Faith Negotiation and Exclusivity*, CS Docket No. 99-363, First Report and Order, 15 FCC Rcd 5445 (2000) (*Good Faith Order*), *recon. granted in part*, Order on Reconsideration, 16 FCC Rcd 15599 (2001) (adopting 47 CFR § 76.65(b)(1)).

⁵² 47 CFR § 76.65(b)(1).

implementing order.⁵³ As the *Good Faith Order* explains, the rule is intended to act as a list of *per se* negotiating standards that “gives immediate guidance to the parties to retransmission consent negotiations that certain conduct will not be tolerated.”⁵⁴ If a *per se* standard is violated during retransmission negotiations, it “constitute[s] a violation of the good faith standard in all possible instances.”⁵⁵ In this case, upon reviewing the record evidence, we found that Defendants’ conduct violated three of the *per se* standards during their retransmission negotiations with AT&T and therefore violated their duty to negotiate in good faith under section 325(b)(3)(C).⁵⁶

16. Contrary to Defendants’ assertion, the Commission did not adopt a new interpretation of its long-standing good faith rule; it simply applied the straightforward language of that rule to the facts in this record.⁵⁷ The Commission’s finding was based on its factual determination that Defendants had engaged in acts and practices prohibited by the well-established *per se* good faith standards.⁵⁸ As observed above,⁵⁹ the foundation of Defendants’ notice argument is that they were engaged in “staggered joint negotiations based on a template agreement” and that the *Forfeiture Order* conjures up a novel interpretation of the good faith rule to declare this practice a *per se* violation.⁶⁰ On the contrary, throughout this proceeding the Commission has carefully considered the conduct of these specific parties, as presented in the undisputed factual record. “Staggered joint negotiations based on a template agreement” is not what happened in this case, and it is not the conduct the Commission identified as constituting three distinct *per se* violations.⁶¹ The Defendants cannot legitimately complain that they failed to receive notice about a finding that the Commission never made, nor can they relitigate basic factual questions that have been settled, at this point, for over two years, based on review of a full and complete record.

17. We also disagree with Defendant’s claim that the *Forfeiture Order* “effectively nullif[ies] joint negotiation” by requiring that “joint negotiation must always include, from the outset, individual responses to individual proposals.”⁶² While negotiating parties are allowed to jointly negotiate, all parties are still required to abide by the duty to negotiate in good faith.⁶³ Fundamentally, this includes refraining from engaging in any of the prohibited acts and practices that the Commission’s rule deems *per se*

⁵³ *Good Faith Order*, 15 FCC Rcd at 5457, 5462-64, paras. 30-31, 40-46.

⁵⁴ *Id.* at 5457, para. 30.

⁵⁵ *Id.* at 5457, para. 31.

⁵⁶ *Forfeiture Order* at 9-10, paras. 22-23.

⁵⁷ *General Electric*, 53 F.3d at 1328-29 (discussing whether GE had adequate notice of EPA’s rules interpretation, and finding “[i]n such cases, we must ask whether the regulated party received, or should have received, notice of the agency’s interpretation in the most obvious way of all: by reading the regulations”).

⁵⁸ *MO&O/NAL*, 35 FCC Rcd at 10697-98 (“In the event a complaint alleges that one of these actions or practices that occurred, the questions before the Bureau or the Commission are factual. . . . the Bureau or Commission need only consider the record to determine, as a fact-finding exercise, the presence or absence of an “action or practice” that appears on the list of objective standards.”) (citing *Good Faith Order*, 15 FCC Rcd at 5457, para. 31).

⁵⁹ *Supra* para. 10.

⁶⁰ Petition at 5.

⁶¹ The Commission found that Defendants “were not using the [unrelated station group] agreement as simply the vehicle to negotiate baseline terms for their own agreements.” *MO&O/NAL*, 35 FCC Rcd at 10712, para. 42 (internal quotations omitted). To the contrary, the Commission found that “[d]espite Mr. Lammers’ representations in his correspondence with AT&T that he was jointly negotiating for both [an unrelated station group] and the Defendant Stations, the record shows that he intentionally refused to negotiate on behalf of the Defendant Stations and continuously ignored AT&T’s carriage proposals for the Defendant Stations.” *Forfeiture Order* at 9, para. 21.

⁶² Petition at 4 (emphasis in original omitted).

⁶³ *Forfeiture Order* at 10, para. 23.

violations of the good faith standard. Based upon the uncontested record, the *Forfeiture Order* affirmed the Commission's earlier finding that Defendants "[took] negotiation for carriage of the Defendant Stations off the table and refus[ed] to discuss any terms specifically relating to them until virtually all of them had gone dark" an approach that the Commission found "does not meet the requirements of our rules."⁶⁴

18. We therefore find unavailing Defendants' argument that they reasonably and in good faith believed that their conduct was permissible.⁶⁵ Contrary to Defendants' suggestion, the Commission is not required to elaborate on every factual scenario possible or imaginable in order to provide notice of a violation of the Commission's good faith rule prior to enforcing it.⁶⁶ The good faith rule expressly applies to *all* negotiations for retransmission consent between broadcasters and MVPDs and articulates clearly identifiable actions or practices that violate the established standard.⁶⁷ As the D.C. Circuit has said, "[t]he fair notice doctrine, which is couched in terms of due process, provides redress only if an agency's interpretation is 'so far from a reasonable person's understanding of the regulations that they could not have fairly informed the regulated party of the agency's perspective.'"⁶⁸ The cases cited by Defendants are inapposite,⁶⁹ involving conflicting or changing interpretations of the statute or regulation at issue⁷⁰ or an agency's new interpretation of ambiguous regulations.⁷¹ Here, the *per se* standards are clear.

⁶⁴ *MO&ONAL*, 35 FCC Rcd at 10709-10, para. 36.

⁶⁵ Petition at 5-7.

⁶⁶ *Id.* at 7 (stating that "in the twenty years since the Commission adopted its *per se* good faith negotiation rules and up until this proceeding, there has been no Commission decision addressing sequenced joint negotiation at all, much less finding it to be in bad faith").

⁶⁷ 47 CFR § 76.65(b)(1).

⁶⁸ *Mississippi Commission on Environmental Quality v. EPA*, 790 F.3d 138, 186 (D.C. Cir. 2015) (quoting *United States v. Chrysler Corp.*, 158 F.3d 1350, 1354 (D.C. Cir. 1998)); see also *United States v. Thomas*, 864 F.2d 188, 195 (D.C. Cir. 1988) (holding that "statutes cannot, in reason, define proscribed behavior exhaustively or with consummate precision").

⁶⁹ See *Suburban Air Freight*, 716 F.3d at 684 (explaining that there is only a "very limited set of cases in which we have upheld an agency interpretation but nevertheless vacated an enforcement action on notice grounds"); *Lachman*, 387 F.3d at 57 ("Defendants cite a line of cases from the District of Columbia Circuit for the proposition that when a regulation lacks 'ascertainable certainty,' the regulated party's reasonable interpretation of the regulation will be accepted if otherwise a drastic penalty would result. See *Trinity Broad. Of Fla., Inc. v. FCC*, 211 F.3d 618 (D.C. Cir. 2000); *United States v. Chrysler Corp.*, 158 F.3d 1350 (D.C. Cir. 1998); *Gen. Elec. Co. v. EPA*, 53 F.3d 1324 (D.C. Cir. 1995); *Rollins Envtl. Servs. (NJ) Inc. v. EPA*, 937 F.2d 649 (D.C. Cir. 1991); *Gates & Fox Co. v. Occupational Safety & Health Rev. Commission*, 790 F.2d 154 (D.C. Cir. 1986). . . . These cases, however, do not stand for the proposition that any ambiguity in a regulation bars punishment. Rather, they are addressed only to situations in which: (1) the agency had given conflicting public interpretations of the regulation, or, (2) the regulation is so vague that the ambiguity can only be resolved by deferring to the agency's own interpretation of the regulation . . . and the agency has failed to provide a sufficient, publicly accessible statement of that interpretation before the conduct in question.").

⁷⁰ *FCC v. Fox Television Stations, Inc.*, 567 U.S. 239, 254-57, (2012) (finding no fair notice where under a prior policy and precedent, a fleeting expletive or brief shot of nudity was not considered a violation, but under a newer interpretation, such content would be considered a violation); *General Electric*, 53 F.3d at 1330, 1332 (finding regulated party could not determine with ascertainable certainty the standards with which it is expected to conform where different divisions of the EPA disagreed about the meaning of the regulation at issue); *Satellite Broadcasting Co. v. FCC*, 824 F.2d 1, 2 (D.C. Cir. 1987) (holding fair notice not given where the specific regulation was silent and other regulations offered "baffling and inconsistent" advice).

⁷¹ *Christopher v. SmithKline Beecham Corp.*, 567 U.S. 142, 155-57 (2012) (determining regulated party lacked fair notice where the agency's new interpretation of its ambiguous regulations threatened "to impose potentially massive

(continued....)

19. Finally, we reiterate that the *Forfeiture Order* was not inconsistent with the relevant precedent. Defendants argue that the *Forfeiture Order* imposed a new policy, but fail to demonstrate that the Commission has previously interpreted the *per se* standards differently.⁷² In fact, as the *MO&O/NAL* notes, the *Bureau Decision* used past good faith cases to “contrast[] [Defendants’] behavior with acceptable examples to demonstrate how far it had strayed from good faith.”⁷³ Per our statutory directive, the Commission reviews the *process* of negotiations, not their substantive terms.⁷⁴ Thus, the *Forfeiture Order* is not focused on which terms Defendants may have agreed or disagreed with in negotiations; it simply enforces the requirement that Defendants must actively participate in those negotiations.⁷⁵ This is consistent with the wide range of cases Defendants themselves cite, which concern “proposals that the parties may raise” and “intentions” they may express “in their negotiations.”⁷⁶ Defendants made no proposals and expressed no intentions during the period at issue, instead flatly refusing to participate in negotiations. Defendants claim that the Commission’s past good faith decisions “collectively evince the Commission’s reluctance to find bad faith on the part of a negotiating party.”⁷⁷ To the contrary, they simply demonstrate that Defendant Stations are among the very few negotiating entities that have failed, or refused, to comply with the straightforward requirements of the good faith rule.⁷⁸ The refusal to assign

liability on [the regulated party] for conduct that occurred well before that interpretation was announced”); *SNR Wireless LicenseCo, LLC v. FCC*, 868 F.3d 1021, 1044, 1046 (D.C. Cir. 2017) (finding in part that, given ambiguity in Commission’s rules and decisions regarding de facto control, petitioners lacked fair notice that they would not have a chance to cure their violation of the control rules).

⁷² See *Suburban Air Freight*, 716 F.3d at 684 (rejecting “fair notice” argument against penalty, where “Suburban makes no argument that TSA previously interpreted those provisions differently, let alone that the company relied on any such interpretation.”); *Otis Elevator Co. v. Secretary of Labor*, 762 F.3d 116, 125 (D.C. Cir. 2014) (rejecting “fair notice” argument where “Otis Elevator has not identified any pattern of contrary practice by the Secretary or contrary interpretations by the Commission”); Petition at 4-5.

⁷³ *MO&O/NAL*, 35 FCC Rcd at 10713, para. 43.

⁷⁴ *Good Faith Order*, 15 FCC Rcd at 5455, para. 24 (“We believe that, by imposing the good faith obligation, Congress intended that the Commission develop and enforce a process that ensures that broadcasters and MVPDs meet to negotiate retransmission consent and that such negotiations are conducted in an atmosphere of honesty, purpose, and clarity of process.”); *HolstonConnect, LLC v. Nexstar Media Group, Inc.*, 34 FCC Rcd 7833, 7835 (MB 2019) (“At the outset, we reiterate our longstanding precedent that absent other factors, disagreement over the rates, terms, and conditions of retransmission consent—even fundamental disagreement—is not indicative of lack of good faith. As we have also repeatedly stated, nothing in the Act or our implementing rules requires that parties negotiating retransmission consent actually reach agreement.”).

⁷⁵ See *Forfeiture Order* at 9, para. 21.

⁷⁶ Petition at 9 (citing *Implementation of Satellite Home Viewer Improvement Act of 1999*, 15 FCC Rcd 5445, 5469, para. 56 (2000); *First National Maintenance Corp. v. NLRB*, 452 U.S. 666, 678 n.17 (1981); and *NLRB v. Insurance Agents’ International Union, AFL-CIO*, 361 U.S. 477, 488 (1960)).

⁷⁷ Petition at 7, n.8.

⁷⁸ In their Petition, Defendants again assert that they negotiated in good faith because their approach was identical to their successful 2016 negotiations with AT&T, which resulted in carriage agreements for all stations involved “without any indication that Defendants had engaged in unlawful conduct.” *Id.* at 10. As we noted in the *Forfeiture Order*, “[t]he extent to which AT&T may have acquiesced to unlawful negotiations has absolutely no legal bearing on AT&T’s ability to bring a complaint against Defendants for violations of the [*per se*] good faith standards during the 2019 negotiations. . . . [Further,] none of the evidence offered with respect to the 2016 negotiation undermines the [Commission’s] factual finding that in 2019 Mr. Lammers manifestly failed to demonstrate any intention of seeking, much less reaching, agreement on carriage of Defendant Stations, evincing a refusal to negotiate on behalf of such stations during this period.” *Forfeiture Order* at 12-13, para. 28 (internal quotations omitted).

liability when the Commission has found no rule violation cannot possibly constrain the assignment of liability when the facts of record establish that the rule is violated.⁷⁹

20. Accordingly, we find that the Commission’s rules and precedent “provide a person of ordinary intelligence” with fair notice of the conduct that is required to abide by its good faith obligations.⁸⁰ As a result, we see no basis to reconsider our prior determination that Defendants are liable for their violations of the good faith requirements.

2. Defendants had Fair Notice of Potential Forfeitures

21. We are not persuaded that Defendants lacked notice of the potential magnitude of sanctions for violation of the good faith standard and rule. We find the cases cited by Defendants inapposite, and we affirm the forfeitures equaling \$512,228 per station for these violations. In addition, we decline to reduce the forfeiture with respect to GoCom’s WCCU station because despite its now-claimed status as a “satellite” station, it is equally liable as a member of the joint negotiating group.

22. Regulated entities are on notice that if they violate the Act or a Commission rule, they could be sanctioned up to the maximum allowable under section 503(b), depending on the nature and circumstances of the violation.⁸¹ The Commission issued the forfeiture in this case in accordance with section 503(b) of the Act, section 1.80 of the Commission’s rules, and the Commission’s *Forfeiture Policy Statement*.⁸² When the *NAL* was issued, section 503(b)(2)(A) of the Act authorized the Commission to assess a forfeiture against broadcast licensees of up to \$51,222 per violation or day of a continuing violation, and up to a statutory maximum of \$512,228 for a single act or failure to act.⁸³ In this case, we determined that Defendants’ conduct constituted a continuing violation based on a “single act or failure to act” that continued over an extended period of time.⁸⁴ In assessing the forfeiture amount for these violations, we followed the guidelines established for “violation of the cable broadcast carriage rules.”⁸⁵ We multiplied the base forfeiture by the number of days of the continuing violation, which

⁷⁹ See *MO&O/NAL*, 35 FCC Rcd at 10711, para. 41 (“Absent intervention by the Bureau, taking carriage of the Defendant Stations off the table while negotiating an unrelated carriage deal may well have been an effective negotiating strategy, albeit at the cost of further extending the months-long blackouts affecting millions of American viewers. We find, however, that it was a strategy completely reliant upon willful, repeated, and extended violation of our rules.”).

⁸⁰ *Fox*, 567 U.S. at 253 (2012).

⁸¹ 47 U.S.C. § 503(b) (providing that any person who “willfully or repeatedly failed to comply with any of the provisions of [the Act] or of any rule, regulation or order issued by the Commission” shall be liable for a forfeiture penalty). See *BMW of North America, Inc. v. Gore*, 517 U.S. 559, 574 (1996) (“Elementary notions of fairness enshrined in our constitutional jurisprudence dictate that a person receive fair notice not only of the conduct that will subject him to punishment, but also of the severity of the penalty that a State may impose); *Karem v. Trump*, 960 F.3d 656, 664 (D.C. Cir. 2020) (holding that the Due Process Clause of the Fifth Amendment requires that there be fair notice of the severity of a civil penalty imposed by the government).

⁸² 47 U.S.C. § 503(b); 47 CFR § 1.80; *The Commission’s Forfeiture Policy Statement and Amendment of Section 1.80 of the Rules to Incorporate the Forfeiture Guidelines*, Report and Order, 12 FCC Rcd 17087 (1997) (*Forfeiture Policy Statement*).

⁸³ *Forfeiture Order* at 14-15, para. 33 & n.151. After issuance of the *NAL*, the statutory maximum increased to \$518,283, however, the Commission exercised its discretion under section 503(b) in this proceeding to assess the forfeiture at the amount set forth in the *NAL*. *Id.*

⁸⁴ *Id.* at 16-17, para. 35 & n.163.

⁸⁵ 47 CFR § 1.80 (a base amount of \$7500 for violation of the cable broadcast carriage rules). Although in this case it is the broadcasters themselves that violated the broadcast carriage rules, rather than a cable operator or other MVPD as envisioned in the guidelines, this is the most analogous type of violation for which the Commission has established guidelines for a base forfeiture amount because it addresses violations of the specific rule in question. *MO&O/NAL*, 35 FCC Rcd at 10718, para. 58 & n.241; *id.* at 10717-18, para. 57 (“In cases in which the Commission

(continued....)

resulted in an amount that exceeded the maximum allowed under section 503(b)(2)(A) for a single act or failure to act.⁸⁶ We then adjusted this amount down to the statutory maximum and applied it to each Defendant Station.⁸⁷ This approach was consistent with the requirements of section 503(b), which notified Defendants that their conduct could be subject to a forfeiture amount equal to the maximum allowable for violations of the Act and the Commission's rules.⁸⁸

23. Moreover, the Commission has wide discretion in imposing forfeiture amounts based on the statutory factors, as precedent makes clear. The results of earlier adjudications do not automatically prescribe the outcome of those that follow but rather depend on the unique circumstances involved in each case.⁸⁹ Section 503(b)(2)(E) of the Act gives the Commission discretion in determining the amount of a forfeiture to impose in any given situation and directs the Commission to consider “the nature, circumstances, extent, and gravity of the violation, and with respect to the violator, the degree of culpability, any history of prior offenses, ability to pay, and such other matters as justice may require.”⁹⁰ After weighing these considerations in this case, we reasonably found that the magnitude of the violations [and the extent and gravity of Defendants' conduct] warranted the forfeiture amount imposed in the *Forfeiture Order*.⁹¹ By taking all of the relevant factors into account, we acted within our authority under section 503(b)(2)(E) of the Act and assessed a reasonable and appropriate forfeiture of \$512,228 against each Defendant.

24. As the *Forfeiture Order* observed, the Sinclair CD, which was issued prior to the negotiations at issue in this case, served to reinforce the notice Defendants received with regard to potential sanctions for violations of the Commission's good faith rule in particular.⁹² Contrary to Defendants' assertions in the Petition, the relevant legal issue is not whether Defendants violated the same subparagraph of the good faith negotiation rule that was implicated in the Sinclair CD. Rather, it is whether the LOIs they received in the context of that investigation, the CD itself, and the Commission's statements about the settlement, provided further notice to Defendants that the Commission takes violations of the duty to negotiate in good faith very seriously and is willing to impose significant monetary penalties where that duty is breached. Both the 2016 CD and the *Forfeiture Order* involved the Defendant Stations and section 76.65(b)(1) of our rules.⁹³ Moreover, the Commission announced at the time of the CD that it “w[ould] not hesitate to take enforcement action where broadcasters or pay TV providers violate their good faith obligations,” and that the CD “demonstrate[d] [the Commission's] strong commitment to vigilantly enforce [its] retransmission consent rules when necessary.”⁹⁴ We

has not established a base forfeiture amount for an apparent violation, it has looked to forfeitures established or issued in analogous cases for guidance.”); *Forfeiture Order* at 14, para. 32.

⁸⁶ *Forfeiture Order* at 14, para. 32.

⁸⁷ *Id.*

⁸⁸ 47 U.S.C. § 503(b)(2)(A).

⁸⁹ *Globcom, Inc.*, Forfeiture Order, 21 FCC Rcd 4710, 4722, para. 34 (2006).

⁹⁰ 47 U.S.C. § 503(b)(2)(E).

⁹¹ *Forfeiture Order* at 16, para. 34 (“We find the forfeiture amount appropriate and proportional to the nature and consequences of Defendants' actions. Defendants persistently refused to negotiate for carriage of their Stations, even months after the existing contracts and extension agreements expired and stations went dark.”); *id.* at 17, para. 36 (“Given the extent and circumstances of Defendants' violations, we find that no reduction of the proposed forfeiture, beyond that ‘reduction’ imposed by the statutory maximum applicable at the time the *NAL* was adopted, is warranted in this case.”).

⁹² *Forfeiture Order* at 15-16, para. 34.

⁹³ 47 U.S.C. § 325(b)(3)(C); *Sinclair Broadcast Group, Inc.*, Order, 31 FCC Rcd 8576, 8579, para. 4 (2016).

⁹⁴ FCC, *Sinclair Settles FCC Investigation into Retransmission Negotiation Violations for \$9.5M*, (July 29, 2016), <https://docs.fcc.gov/public/attachments/DOC-340557A1.pdf>.

therefore find that Defendants had fair notice of the potential magnitude of the forfeiture amount and that the *Forfeiture Order* does not violate Defendants’ due process rights.

25. We are likewise unpersuaded by Defendants’ argument that their constitutional rights were violated because the Commission imposed the statutory maximum the first time it imposed any monetary penalty for a good faith negotiation violation.⁹⁵ Regardless whether Defendants are the first parties to be issued an NAL and forfeiture order for committing flagrant violations of the good faith standard, they were well aware that violators of those rules could face significant monetary penalties. The fact that the base forfeiture reached the statutory maximum due to the extended duration of Defendants’ good faith violations is a problem of Defendants’ own making. Indeed, given that the base forfeiture alone surpassed the statutory maximum, the Commission was unable to upwardly adjust the forfeiture to take into account further factors such as the egregiousness of the misconduct and harm caused.⁹⁶

26. To buttress their claim that they were denied fair notice of the potential forfeiture amount, Defendants cite a number of cases that bear little resemblance to their due process claims, involving newly imposed standards and parties who are not similarly situated to Defendants.⁹⁷ Unlike *Karem v. Trump* and *Action for Children’s Television v. FCC*, the present case does not rest on a recently adopted standard.⁹⁸ In this case, due process does not require the Commission to issue a notice of behavioral expectations, including potential sanctions for such violations, before imposing a forfeiture against Defendants, as the D.C. Circuit found was required of the White House prior to revoking a journalist’s press pass due to allegedly unprofessional behavior.⁹⁹ Here, the *per se* standards clearly identified the conduct that was prohibited, and the Commission’s forfeiture statute, rules, and policy clearly identified the scope of potential sanctions for violations of the Act or the Commission’s rules.¹⁰⁰

27. Equally unpersuasive are Defendants’ arguments that they were not treated like other parties whom they claim were similarly situated.¹⁰¹ As an initial matter, the decisions Defendants cite are Bureau-level and therefore not binding on the Commission.¹⁰² In addition, the Petition fails to offer any examples of parties who were actually similarly situated to Defendants. Defendants contend that they should have been treated similarly to the defendant in *Bauermeister*, who was found to be in violation of

⁹⁵ Petition at 11-12 (citing *Karem v. Trump*, 960 F.3d 656 (D.C. Cir. 2020)).

⁹⁶ *MO&O/NAL*, 35 FCC Rcd at 10720, para. 59.

⁹⁷ Petition at 11-14.

⁹⁸ *Karem v. Trump*, 960 F.3d 656, 665 (D.C. Cir. 2020) (holding that journalist had no notice of the magnitude of the sanction for allegedly unprofessional conduct where White House had not formally articulated standards or sanctions for misconduct); *Action for Children’s Television v. FCC*, 852 F.2d 1332 (D.C. Cir. 1988) (concerning the Commission’s changed enforcement standard for the regulation of indecent material on broadcast television). Furthermore, Commission precedent certainly does not compel us to apply an enforcement scheme comparable to the one established for the agency’s regulation of indecency on broadcast television, rendering that precedent inapposite. See Petition at 12-13 (citing enforcement cases escalating the fines for indecency violations against the broadcasters of the “Howard Stern Show”).

⁹⁹ See *id.* at 11-12 (comparing Defendants’ lack of notice to the White House journalist’s lack of notice that his press pass could be revoked for supposedly unprofessional conduct) (citing *Karem*, 960 F.3d at 665).

¹⁰⁰ 47 CFR § 76.65(b)(1) (listing conduct prohibited during retransmission consent negotiations); 47 U.S.C. § 503(b); 47 CFR § 1.80; *Forfeiture Policy Statement*. See *Karem*, 960 F.3d at 665 (finding that there was a “lack of formally articulated standards and sanctions” for the conduct at issue).

¹⁰¹ Petition at 12-13 (citing *Melody Music, Inc. v. FCC*, 345 F.2d 730 (D.C. Cir. 1965); *Super Towers, Inc.*, File No. EB-11-TP-0142 (rel. July 18, 2012) (Enf. Bur. Field Office); *CBS Commc’ns Servs., Inc.*, File No. EB-10-LA-0110 (rel. Apr. 27, 2011) (Enf. Bur. Field Office); *Jorge L. Bauermeister*, Letter, 22 FCC Rcd 4933 (MB 2007); *Mr. Mel Karmazin*, 5 FCC Rcd. 7291 (Mass Med. Bur. 1988); *Mr. Mel Karmazin*, 8 FCC Rcd. 2688 (Mass Med. Bur. 1992)).

¹⁰² See *Comcast Corp. v. FCC*, 526 F.3d 763, 769 (D.C. Cir. 2008).

the good faith rule but was not required to pay a forfeiture.¹⁰³ Yet earlier in their Petition, Defendants *themselves* concede that they are not similarly situated to the defendant in *Bauermeister* and that “[t]he decision has, in short, no bearing whatsoever here.”¹⁰⁴ We agree; the good faith violation in *Bauermeister* bears little resemblance to the nature, circumstances, extent, and gravity of the violations at issue in the present case. Defendants also claim to be similarly situated to tower owners that briefly failed to properly light their towers.¹⁰⁵ In the cases at issue, the Enforcement Bureau’s regional field offices declined to increase the base forfeiture even though the single violation persisted for multiple days. Because these cases also involved continuing violations, Defendants argue that their forfeitures should be calculated in the same manner—by applying a base forfeiture alone without a daily multiplier.¹⁰⁶ The Commission always retains prosecutorial discretion in the imposition of forfeitures.¹⁰⁷ A decision by Commission staff to propose a certain forfeiture in two completely unrelated cases over a decade ago does not constrain the full Commission today.

28. Finally, we find no basis to alter the forfeiture amount with respect to GoCom. Defendants argue that it was not reasonable for GoCom to anticipate a forfeiture because, although its station WCCU was included in the negotiations with DIRECTV, it only duplicated the programming of its other station WRSP and was never actually carried by AT&T so that there was no “additional harm” imposed when DIRECTV lost the carriage rights to the station.¹⁰⁸ Both WCCU and WRSP were listed separately in AT&T’s good faith complaint at the start of this adjudication, without objection from Defendants in their answer to the complaint or otherwise until the commencement of this enforcement proceeding.¹⁰⁹ Defendants’ negotiating agent, Mr. Lammers, identified both GoCom stations as part of the group of stations he was representing during the retransmission negotiations with AT&T. As a member of the negotiating group, WCCU is as liable for its violations of the good faith requirements as WRSP or any of the other Defendant Stations. As such we find reconsideration of GoCom’s forfeiture amount is unwarranted.

29. Accordingly, we conclude that the forfeiture satisfies due process requirements and the

¹⁰³ *Id.* at 12-13.

¹⁰⁴ *Id.* at 8 (“*Bauermeister* concerned a cable operator (not a broadcast station), applied the ‘totality-of-the-circumstances’ test (not a *per se* violation), did not trigger the imposition of a fine, and involved the cable operator’s failure to provide evidence of a valid retransmission consent agreement.”).

¹⁰⁵ *Id.* at 13.

¹⁰⁶ *Id.* In making this comparison, Defendants rely on *Melody Music*, arguing that “[t]he huge fines imposed by the Forfeiture Order are also inconsistent with the principle that the Commission must treat similarly situated parties similarly.” *Id.* However, *Melody Music* is inapplicable here. As the Commission explained in response to a previous attempt to misapply this precedent, “*Melody* and its progeny revolved around what the court felt were Commission failures to properly explain its selection of one applicant over another in licensing proceedings. We are concerned here with a civil monetary forfeiture.” *Liability of Turner Broadcasting Corp., Licensee of Radio Station KBUC, San Antonio, Texas for Forfeiture*, Memorandum Opinion and Order, 59 FCC 2d 133, 134, para. 5 (1976). See also *New Orleans Channel 20, Inc. v. FCC*, 830 F.2d 361, 366 (D.C. Cir. 1987) (affirming the standard articulated in *Melody Music* but distinguishing it from the case before the court because “[t]he basic transaction is not identical, as in *Melody Music*,” and the agency fully conformed with its procedural and substantive obligations).

¹⁰⁷ *Mobile Relay Associates*, Forfeiture Order, 30 FCC Rcd 13642, 13648, para. 13 (2015) (“The Commission has prosecutorial discretion to issue sanctions where appropriate and has broad discretion to consider a variety of factors in determining a forfeiture amount, if warranted, when faced with a violation of its rules.”); *Notices of Apparent Liability for Forfeitures of Emery Telephone*, Memorandum Opinion and Order, 15 FCC Rcd 7181, 7186, para. 10 (1999) (“The Commission is a regulatory agency with broad prosecutorial discretion in enforcement proceedings.”); *supra* para. 23.

¹⁰⁸ Petition at 12 & n.13.

¹⁰⁹ Complaint at 2; Answer at 31 (“Defendants admit that GoCom owns and operates the stations attributed to it in paragraph 2”). See *Forfeiture Order* at 3, para. 3.

Commission properly determined the amount of the sanction. We find no basis for reconsideration on this or any other issue raised by the Petition. Therefore, we deny the Petition.

C. Dismissal and Denial of Second Generation’s Supplemental Petition for Reconsideration

30. We also dismiss Second Generation’s Supplemental Petition under section 1.106(c) of the Commission’s rules and decline to alternatively grant Second Generation a waiver of our filing requirements. The Supplemental Petition raises facts and arguments that the petitioner did not previously present to the Commission despite having an opportunity to do so, and consideration of Second Generation’s ability to pay the assessed forfeiture is not required by the public interest.¹¹⁰ Second Generation has also failed to show good cause to waive the requirement for an inability-to-pay claim to be made within 30 days of issuance of the *NAL*.

31. Reconsideration of Second Generation’s forfeiture amount is not warranted under section 1.106(c) of the Commission’s rules.¹¹¹ Second Generation asserts that a reduction is required in the public interest pursuant to section 1.106(c)(2) because the proposed forfeiture “is beyond the resources of the enforcement target to pay” and because it is similarly situated to Mercury, a licensee that did receive a reduction in its forfeiture due to its demonstrated inability to pay.¹¹² However, the public interest does not require that Second Generation receive the same treatment as Mercury.¹¹³ These parties are not similarly situated because, unlike Mercury, Second Generation failed to submit a timely inability-to-pay claim.¹¹⁴ Moreover, Second Generation has had multiple formal opportunities to present the Commission with evidence of its alleged penury and ample time since the last such opportunity to rectify its failure to file. Instead, it waited ten months after the *NAL*’s issuance, well after the final deadline to demonstrate an inability to pay,¹¹⁵ holding off until the day before the Commission stated it may refer this forfeiture to the Department of Justice for collection.¹¹⁶ The public interest is not served by giving defendants unlimited “bites at the apple,” particularly in the wake of the kind of unambiguous wrongdoing committed by Second Generation.

32. Second Generation has not demonstrated good cause to grant a waiver of our filing requirements, and, as noted above, such a deviation would not be in the public interest.¹¹⁷ Acknowledging that it is not filing a timely inability to pay request, Second Generation argues in the alternative that if the Commission does not grant relief pursuant to section 1.106(c), there is good cause for the Commission to consider Second Generation’s request as a late-filed claim in response to the *NAL* and to treat Second Generation’s ten-month delay as a “filing oversight.”¹¹⁸ We are unpersuaded by Second Generation’s argument that it was not able to submit a timely inability to pay claim because it temporarily lacked an in-house attorney dedicated to communications law.¹¹⁹ Regardless of Second

¹¹⁰ 47 CFR § 1.106(c).

¹¹¹ *Id.*

¹¹² Supplemental Petition at 2-3.

¹¹³ *Id.*; 47 CFR § 1.106(c)(2).

¹¹⁴ *Supra* note 2; *see also* 47 CFR § 1.106(c)(1).

¹¹⁵ *See MO&O/NAL*, 35 FCC Rcd at 10724-25, para. 78.

¹¹⁶ *Forfeiture Order* at 23, para. 58.

¹¹⁷ 47 CFR § 1.80.

¹¹⁸ Supplemental Petition at 3.

¹¹⁹ *Id.* at 3-4. It is unclear from Second Generation’s filing how many lawyers remained on staff, and how many external counsel it had on retainer, during the time in question. The Supplemental Petition specifies only that the position of “company communications counsel” went unfilled during this time. While we are sympathetic to the difficulties licensees have faced as a result of the global pandemic, in this case we do not find a sufficient nexus

(continued...)

Generation's internal affairs, it is our understanding that Second Generation was being represented in this matter by two outside law firms during the time in question. One of those law firms ultimately filed a timely inability-to-pay claim on behalf of Mercury,¹²⁰ and the other filed a timely opposition, on Second Generation's behalf, to the *NAL* as a whole.¹²¹ Second Generation has not represented that its lack of in-house communications counsel made it unaware of either its own financial situation or of the opportunity to seek a reduction in the forfeiture amount in response to the *NAL*.¹²² Indeed Second Generation had ample opportunity to file a timely inability-to-pay claim, but it chose not to do so.

33. We therefore conclude that Second Generation's Supplemental Petition has failed to meet the requirements for reconsideration of its forfeiture amount under section 1.106 of the Commission's rules or for a waiver of filing requirements pursuant to the Commission's general waiver authority.¹²³ Accordingly, we deny the Supplemental Petition.

IV. CONCLUSION

34. Upon review of the petitions for reconsideration and the entire record, we affirm our conclusion that Defendants willfully and repeatedly violated section 325(b) of the Act and section 76.65 of the Commission's rules by failing to negotiate carriage, unreasonably delaying negotiations, and refusing to respond to proposals. We further affirm our decision not to cancel or reduce the forfeitures that apply to the remaining Defendants.

V. ORDERING CLAUSES

35. Accordingly, **IT IS ORDERED** that, pursuant to section 405 of the Act and section 1.106 of the Commission's rules, the Petition for Reconsideration filed by: Deerfield Media (Port Arthur) Licensee, LLC; Deerfield Media (Cincinnati) Licensee, LLC; Deerfield Media (Mobile) Licensee, LLC; Deerfield Media (Rochester) Licensee, LLC; Deerfield Media (San Antonio) Licensee, LLC; GoCom Media of Illinois, LLC; MPS Media of Tennessee Licensee, LLC; MPS Media of Gainesville Licensee, LLC; MPS Media of Tallahassee Licensee, LLC; MPS Media of Scranton Licensee, LLC; Nashville License Holdings, LLC; KMTR Television, LLC; Second Generation of Iowa, LTD; and Waitt Broadcasting, Inc., is **DISMISSED** on procedural grounds and, as an independent and alternative basis, **DENIED** for the reasons stated herein.¹²⁴

36. **IT IS FURTHER ORDERED** that, pursuant to section 405 of the Act and section 1.106 of the Commission's rules, the Supplemental Petition for Reconsideration filed by Second Generation of Iowa, LTD is **DISMISSED** on procedural grounds and, in all other respects, is **DENIED** for the reasons stated herein.¹²⁵

37. The Commission hereby **REAFFIRMS** that, pursuant to section 503(b) of the Act and

between the pandemic and Defendant's failure to file a timely inability-to-pay claim, especially given that the Defendant was represented by, at a minimum, outside counsel at two separate law firms based on formal and informal communications with Commission staff by those counsel.

¹²⁰ Mercury Broadcasting Company, Inc., Supplemental Request for Cancellation or Reduction of Forfeiture, MB Docket No. 19-168 (filed Oct. 15, 2020).

¹²¹ *Supra* note 9.

¹²² Second Generation has also offered no explanation or excuse for its failure to seek this waiver at an earlier date, given that even the position of "company communications counsel" has been filled since "[e]arly in 2021." Supplemental Petition at 4, n.9.

¹²³ 47 CFR §§ 1.106, 1.3.

¹²⁴ 47 U.S.C. § 405; 47 CFR § 1.106.

¹²⁵ 47 U.S.C. § 405; 47 CFR § 1.106.

section 1.80 of the Commission's rules,¹²⁶ Deerfield Media (Port Arthur) Licensee, LLC is **LIABLE FOR A MONETARY FORFEITURE** in the amount of five hundred twelve thousand, two hundred twenty-eight dollars (\$512,228) for willful and repeated violations of section 325 of the Act¹²⁷ and section 76.65 of the Commission's rules.¹²⁸

38. The Commission hereby **REAFFIRMS** that, pursuant to section 503(b) of the Act and section 1.80 of the Commission's rules,¹²⁹ Deerfield Media (Cincinnati) Licensee, LLC is **LIABLE FOR A MONETARY FORFEITURE** in the amount of five hundred twelve thousand, two hundred twenty-eight dollars (\$512,228) for willful and repeated violations of section 325 of the Act¹³⁰ and section 76.65 of the Commission's rules.¹³¹

39. The Commission hereby **REAFFIRMS** that, pursuant to section 503(b) of the Act and section 1.80 of the Commission's rules,¹³² Deerfield Media (Mobile) Licensee, LLC is **LIABLE FOR A MONETARY FORFEITURE** in the amount of one million, twenty-four thousand, four hundred fifty-six dollars (\$1,024,456) for willful and repeated violations of section 325 of the Act¹³³ and section 76.65 of the Commission's rules.¹³⁴

40. The Commission hereby **REAFFIRMS** that, pursuant to section 503(b) of the Act and section 1.80 of the Commission's rules,¹³⁵ Deerfield Media (Rochester) Licensee, LLC is **LIABLE FOR A MONETARY FORFEITURE** in the amount of five hundred twelve thousand, two hundred twenty-eight dollars (\$512,228) for willful and repeated violations of section 325 of the Act¹³⁶ and section 76.65 of the Commission's rules.¹³⁷

41. The Commission hereby **REAFFIRMS** that, pursuant to section 503(b) of the Act and section 1.80 of the Commission's rules,¹³⁸ Deerfield Media (San Antonio) Licensee, LLC is **LIABLE FOR A MONETARY FORFEITURE** in the amount of five hundred twelve thousand, two hundred twenty-eight dollars (\$512,228) for willful and repeated violations of section 325 of the Act¹³⁹ and section 76.65 of the Commission's rules.¹⁴⁰

42. The Commission hereby **REAFFIRMS** that, pursuant to section 503(b) of the Act and section 1.80 of the Commission's rules,¹⁴¹ GoCom Media of Illinois, LLC is **LIABLE FOR A MONETARY FORFEITURE** in the amount of one million, five hundred thirty-six thousand, six

¹²⁶ 47 U.S.C. § 503(b); 47 CFR § 1.80.

¹²⁷ 47 U.S.C. § 325.

¹²⁸ 47 CFR § 1.80.

¹²⁹ 47 U.S.C. § 503(b); 47 CFR § 1.80.

¹³⁰ 47 U.S.C. § 325.

¹³¹ 47 CFR § 1.80.

¹³² 47 U.S.C. § 503(b); 47 CFR § 1.80.

¹³³ 47 U.S.C. § 325.

¹³⁴ 47 CFR § 1.80.

¹³⁵ 47 U.S.C. § 503(b); 47 CFR § 1.80.

¹³⁶ 47 U.S.C. § 325.

¹³⁷ 47 CFR § 1.80.

¹³⁸ 47 U.S.C. § 503(b); 47 CFR § 1.80.

¹³⁹ 47 U.S.C. § 325.

¹⁴⁰ 47 CFR § 1.80.

¹⁴¹ 47 U.S.C. § 503(b); 47 CFR § 1.80.

hundred eighty-four dollars (\$1,536,684) for willful and repeated violations of section 325 of the Act¹⁴² and section 76.65 of the Commission's rules.¹⁴³

43. The Commission hereby **REAFFIRMS** that, pursuant to section 503(b) of the Act and section 1.80 of the Commission's rules,¹⁴⁴ MPS Media of Tennessee Licensee, LLC is **LIABLE FOR A MONETARY FORFEITURE** in the amount of five hundred twelve thousand, two hundred twenty-eight dollars (\$512,228) for willful and repeated violations of section 325 of the Act¹⁴⁵ and section 76.65 of the Commission's rules.¹⁴⁶

44. The Commission hereby **REAFFIRMS** that, pursuant to section 503(b) of the Act and section 1.80 of the Commission's rules,¹⁴⁷ MPS Media of Gainesville Licensee, LLC is **LIABLE FOR A MONETARY FORFEITURE** in the amount of five hundred twelve thousand, two hundred twenty-eight dollars (\$512,228) for willful and repeated violations of section 325 of the Act¹⁴⁸ and section 76.65 of the Commission's rules.¹⁴⁹

45. The Commission hereby **REAFFIRMS** that, pursuant to section 503(b) of the Act and section 1.80 of the Commission's rules,¹⁵⁰ MPS Media of Tallahassee Licensee, LLC is **LIABLE FOR A MONETARY FORFEITURE** in the amount of five hundred twelve thousand, two hundred twenty-eight dollars (\$512,228) for willful and repeated violations of section 325 of the Act¹⁵¹ and section 76.65 of the Commission's rules.¹⁵²

46. The Commission hereby **REAFFIRMS** that, pursuant to section 503(b) of the Act and section 1.80 of the Commission's rules,¹⁵³ MPS Media of Scranton Licensee, LLC is **LIABLE FOR A MONETARY FORFEITURE** in the amount of five hundred twelve thousand, two hundred twenty-eight dollars (\$512,228) for willful and repeated violations of section 325 of the Act¹⁵⁴ and section 76.65 of the Commission's rules.¹⁵⁵

47. The Commission hereby **REAFFIRMS** that, pursuant to section 503(b) of the Act and section 1.80 of the Commission's rules,¹⁵⁶ Nashville License Holdings, LLC is **LIABLE FOR A MONETARY FORFEITURE** in the amount of five hundred twelve thousand, two hundred twenty-eight dollars (\$512,228) for willful and repeated violations of section 325 of the Act¹⁵⁷ and section 76.65 of the

¹⁴² 47 U.S.C. § 325.

¹⁴³ 47 CFR § 1.80.

¹⁴⁴ 47 U.S.C. § 503(b); 47 CFR § 1.80.

¹⁴⁵ 47 U.S.C. § 325.

¹⁴⁶ 47 CFR § 1.80.

¹⁴⁷ 47 U.S.C. § 503(b); 47 CFR § 1.80.

¹⁴⁸ 47 U.S.C. § 325.

¹⁴⁹ 47 CFR § 1.80.

¹⁵⁰ 47 U.S.C. § 503(b); 47 CFR § 1.80.

¹⁵¹ 47 U.S.C. § 325.

¹⁵² 47 CFR § 1.80.

¹⁵³ 47 U.S.C. § 503(b); 47 CFR § 1.80.

¹⁵⁴ 47 U.S.C. § 325.

¹⁵⁵ 47 CFR § 1.80.

¹⁵⁶ 47 U.S.C. § 503(b); 47 CFR § 1.80.

¹⁵⁷ 47 U.S.C. § 325.

Commission's rules.¹⁵⁸

48. The Commission hereby **REAFFIRMS** that, pursuant to section 503(b) of the Act and section 1.80 of the Commission's rules,¹⁵⁹ KMTR Television, LLC is **LIABLE FOR A MONETARY FORFEITURE** in the amount of five hundred twelve thousand, two hundred twenty-eight dollars (\$512,228) for willful and repeated violations of section 325 of the Act¹⁶⁰ and section 76.65 of the Commission's rules.¹⁶¹

49. The Commission hereby **REAFFIRMS** that, pursuant to section 503(b) of the Act and section 1.80 of the Commission's rules,¹⁶² Second Generation of Iowa, LTD is **LIABLE FOR A MONETARY FORFEITURE** in the amount of five hundred twelve thousand, two hundred twenty-eight dollars (\$512,228) for willful and repeated violations of section 325 of the Act¹⁶³ and section 76.65 of the Commission's rules.¹⁶⁴

50. The Commission hereby **REAFFIRMS** that, pursuant to section 503(b) of the Act and section 1.80 of the Commission's rules,¹⁶⁵ Waitt Broadcasting, Inc. is **LIABLE FOR A MONETARY FORFEITURE** in the amount of five hundred twelve thousand, two hundred twenty-eight dollars (\$512,228) for willful and repeated violations of section 325 of the Act¹⁶⁶ and section 76.65 of the Commission's rules.¹⁶⁷

51. Payment of the forfeiture was required to be made in the manner provided for in section 1.80 of the Commission's rules within thirty (30) calendar days after the release of the *Forfeiture Order*.¹⁶⁸ Given that the forfeiture was not paid within the period specified in the Forfeiture Order, this case may be referred at any time to the U.S. Department of Justice for enforcement of the forfeiture pursuant to section 504(a) of the Act.¹⁶⁹ Each of Deerfield Media (Port Arthur) Licensee, LLC; Deerfield Media (Cincinnati) Licensee, LLC; Deerfield Media (Mobile) Licensee, LLC; Deerfield Media (Rochester) Licensee; Deerfield Media (San Antonio) Licensee, LLC; GoCom Media of Illinois, LLC; MPS Media of Tennessee Licensee, LLC; MPS Media of Gainesville Licensee, LLC; MPS Media of Tallahassee Licensee, LLC; MPS Media of Scranton Licensee, LLC; Nashville License Holdings, LLC; KMTR Television, LLC; Second Generation of Iowa, LTD; and Waitt Broadcasting, Inc. shall send electronic notification of payment to Chief, Media Bureau, Policy Division at Maria.Mullarkey@FCC.gov, and Lyle Elder at Lyle.Elder@FCC.gov on the date said payment is made.

52. Payment of the forfeiture must be made by credit card, ACH (Automated Clearing

¹⁵⁸ 47 CFR § 1.80.

¹⁵⁹ 47 U.S.C. § 503(b); 47 CFR § 1.80.

¹⁶⁰ 47 U.S.C. § 325.

¹⁶¹ 47 CFR § 1.80.

¹⁶² 47 U.S.C. § 503(b); 47 CFR § 1.80.

¹⁶³ 47 U.S.C. § 325.

¹⁶⁴ 47 CFR § 1.80.

¹⁶⁵ 47 U.S.C. § 503(b); 47 CFR § 1.80.

¹⁶⁶ 47 U.S.C. § 325.

¹⁶⁷ 47 CFR § 1.80.

¹⁶⁸ 47 CFR § 1.80.

¹⁶⁹ 47 U.S.C. § 504(a). Any entity that is a "Small Business Concern" as defined in the Small Business Act (Pub. L. 85-536, as amended) may avail itself of rights set forth in that Act, including rights set forth in 15 U.S.C. § 657, "Oversight of Regulatory Enforcement," in addition to other rights set forth herein.

House) debit from a bank account using CORES (the Commission's online payment system),¹⁷⁰ or by wire transfer. Payments by check or money order to pay a forfeiture are no longer accepted. Below are instructions that payors should follow based on the form of payment selected:¹⁷¹

- Payment by wire transfer must be made to ABA Number 021030004, receiving bank TREAS/NYC, and Account Number 27000001. A completed Form 159 must be faxed to the Federal Communications Commission at 202-418-2843 or e-mailed to RROGWireFaxes@fcc.gov on the same business day the wire transfer is initiated. Failure to provide all required information in Form 159 may result in payment not being recognized as having been received. When completing FCC Form 159, enter the Account Number in block number 23A (call sign/other ID), enter the letters "FORF" in block number 24A (payment type code), and enter in block number 11 the FRN(s) captioned above (Payor FRN).¹⁷² For additional detail and wire transfer instructions, go to <https://www.fcc.gov/licensing-databases/fees/wire-transfer>.
- Payment by credit card must be made by using the Commission's Registration System (CORES) at <https://apps.fcc.gov/cores/userLogin.do>. To pay by credit card, log-in using the FCC Username associated to the FRN captioned above. If payment must be split across FRNs, complete this process for each FRN. Next, select "Manage Existing FRNs | FRN Financial | Bills & Fees" from the CORES Menu, then select FRN Financial and the view/make payments option next to the FRN. Select the "Open Bills" tab and find the bill number associated with the NAL/Acct. No. The bill number is the NAL Acct. No. (e.g., NAL/Acct. No. 1912345678 would be associated with FCC Bill Number 1912345678). After selecting the bill for payment, choose the "Pay by Credit Card" option. Please note that there is a \$24,999.99 limit on credit card transactions.
- Payment by ACH must be made by using the Commission's Registration System (CORES) at <https://apps.fcc.gov/cores/paymentFrnLogin.do>. To pay by ACH, log in using the FRN captioned above. If payment must be split across FRNs, complete this process for each FRN. Next, select "Manage Existing FRNs | FRN Financial | Bills & Fees" on the CORES Menu, then select FRN Financial and the view/make payments option next to the FRN. Select the "Open Bills" tab and find the bill number associated with the NAL/Acct. No. The bill number is the NAL/Acct. No. (e.g., NAL/Acct. No. 1912345678 would be associated with FCC Bill Number 1912345678). Finally, choose the "Pay from Bank Account" option. Please contact the appropriate financial institution to confirm the correct Routing Number and the correct account number from which payment will be made and verify with that financial institution that the designated account has authorization to accept ACH transactions.

53. Any request for making full payment over time under an installment plan should be sent to: Chief Financial Officer - Financial Operations, Federal Communications Commission, 45 L Street NE, Washington, DC 20554.¹⁷³ Questions regarding payment procedures should be directed to the Financial Operations Group Help Desk by phone, 1-877-480-3201, or by e-mail, ARINQUIRIES@fcc.gov.

54. **IT IS FURTHER ORDERED** that a copy of this Memorandum Opinion and Order and Order on Reconsideration shall be sent by certified mail, return receipt requested, to the addresses of record of: Deerfield Media (Port Arthur) Licensee, LLC; Deerfield Media (Cincinnati) Licensee, LLC; Deerfield Media (Mobile) Licensee, LLC; Deerfield Media (Rochester) Licensee, LLC; Deerfield Media

¹⁷⁰ Payments made using CORES do not require the submission of an FCC Form 159.

¹⁷¹ For questions regarding payment procedures, please contact the Financial Operations Group Help Desk by phone at 1-877-480-3201 (option #6), or by e-mail at ARINQUIRIES@fcc.gov.

¹⁷² Instructions for completing the form may be obtained at <https://www.fcc.gov/Forms/Form159/159.pdf>.

¹⁷³ 47 CFR § 1.1914.

(San Antonio) Licensee, LLC; GoCom Media of Illinois, LLC; MPS Media of Tennessee Licensee, LLC; MPS Media of Gainesville Licensee, LLC; MPS Media of Tallahassee Licensee, LLC; MPS Media of Scranton Licensee, LLC; Nashville License Holdings, LLC; KMTR Television, LLC; Second Generation of Iowa, LTD; and Waitt Broadcasting, Inc., respectively.

FEDERAL COMMUNICATIONS COMMISSION

Marlene H. Dortch
Secretary

From: [Erin Boone](#)
To: [Benjamin Arden](#)
Subject: FW: Letter from Ranking Member Richard Blumenthal, Permanent Subcommittee on Investigations, to the Federal Communications Commission
Date: Wednesday, March 12, 2025 3:49:00 PM
Attachments: [2025-3-12 Letter from Sen. Richard Blumenthal to Patrick Webre and Erin Boone.pdf](#)

Erin Boone
Senior Counsel – Media & Enforcement
Office of FCC Chairman Brendan Carr
Acting Chief, Media Bureau
202-418-0736 | erin.boone@fcc.gov

From: Matthew Mittelstaedt <Matthew.Mittelstaedt@fcc.gov>
Sent: Wednesday, March 12, 2025 3:44 PM
To: Patrick Webre <Patrick.Webre@fcc.gov>; Erin Boone <Erin.Boone@fcc.gov>; Greg Watson <Gregory.Watson@fcc.gov>; Scott Delacourt <Scott.Delacourt@fcc.gov>
Subject: FW: Letter from Ranking Member Richard Blumenthal, Permanent Subcommittee on Investigations, to the Federal Communications Commission

Hi team,

Please find attached a letter address to Erin and Patrick from the Senator Blumenthal in his capacity as Ranking Member on the Permanent Subcommittee on Investigations.

All best,
Matt

From: Blumenthal, PSI (HSGAC) <PSI_Blumenthal@hsgac.senate.gov>
Sent: Wednesday, March 12, 2025 3:31 PM
To: Matthew Mittelstaedt <Matthew.Mittelstaedt@fcc.gov>
Subject: Letter from Ranking Member Richard Blumenthal, Permanent Subcommittee on Investigations, to the Federal Communications Commission

You don't often get email from psi_blumenthal@hsgac.senate.gov. [Learn why this is important](#)
Hello,

Attached is a letter for Patrick Webre, Acting Bureau Chief of the Enforcement Bureau, and Erin Boone, Acting Bureau Chief of the Media Bureau, of the Federal Communications Commission from Ranking Member Richard Blumenthal of the United States Senate Permanent Subcommittee on Investigations.

Please provide all material and information requested in the letter to the Subcommittee by no later

than March 26, 2025. Please contact Subcommittee staff at PSI_Blumenthal@hsgac.senate.gov or 202-224-9505 with any questions.

Please confirm receipt.

Thank you.

Permanent Subcommittee on Investigations
Senator Richard Blumenthal, Ranking Member
(202) 224 - 9505
PSI_Blumenthal@hsgac.senate.gov

RON JOHNSON, WISCONSIN
JAMES LANKFORD, OKLAHOMA
RICK SCOTT, FLORIDA
JOSH HAWLEY, MISSOURI
BERNIE MORENO, OHIO
JONI ERNST, IOWA
ASHLEY MOODY, FLORIDA

GARY C. PETERS, MICHIGAN
MARGARET WOOD HASSAN, NEW HAMPSHIRE
RICHARD BLUMENTHAL, CONNECTICUT
JOHN FETTERMAN, PENNSYLVANIA
ANDY KIM, NEW JERSEY
RUBEN GALLEG0, ARIZONA
ELISSA SLOTKIN, MICHIGAN

United States Senate

COMMITTEE ON
HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS
WASHINGTON, DC 20510-6250

March 12, 2025

VIA EMAIL

Mr. Patrick Webre
Acting Bureau Chief
Enforcement Bureau

Ms. Erin Boone
Acting Bureau Chief
Media Bureau

Federal Communications Commission
45 L Street, NE
Washington, D.C. 20554

Dear Mr. Webre and Ms. Boone:

Since becoming Chair of the Federal Communications Commission (“FCC” or the “Commission”) on January 20, 2025, Brendan Carr has publicly ordered that the Media and Enforcement Bureaus reopen complaints and initiate unprecedented, intrusive investigations against media broadcasters under arbitrary and capricious pretenses — investigations that appear to exclusively target newsrooms and broadcasters that President Trump perceives as enemies. In order to understand whether the FCC is departing from longtime guidance and legal precedent to intentionally retaliate against, or otherwise chill, broadcasters that may be disfavored by the President, I write to request information and documents concerning all FCC enforcement actions, warnings, briefings, interpretive rules, cases, records, advisories, letters, and any other materials relevant to the Commission’s enforcement of matters involving news distortion, equal time, underwriting, non-discrimination, and broadcasters’ public interest obligations.

The FCC’s recent investigations and complaints, which threaten to put the government in the newsrooms of broadcast stations across the country, have targeted:

- **WPVI-TV (ABC)**, reopening a closed complaint filed by the Center for American Rights alleging “news distortion” over an ABC moderator’s factchecking of a Presidential debate.¹

¹ *Center for American Rights Files FCC and FEC Legal Complaints Over ABC News’ Debate Bias*, CENTER FOR AMERICAN RIGHTS (Sept. 25, 2024), <https://www.americanrights.org/cases/center-for-american-rights-files-fcc-and-fec-legal-complaints-over-abc-news-debate-bias/>; *News Distortion Complaint Involving WPVI*

Mr. Patrick Webre and Ms. Erin Boone
 March 12, 2025
 Page 2

- **WCBS-TV (CBS)**, reopening a closed complaint filed by the Center for American Rights alleging “news distortion” over “Face the Nation” and “60 Minutes” interviews with former Vice President Harris.²
- **Paramount’s proposed sale of CBS licenses to Skydance Media**, obtaining and disclosing a video and transcript of a “60 Minutes” interview that was criticized by President Trump and publicly supporting an opposition filing by the Center for American Rights.³
- **WNBC-TV (NBC)**, reopening a closed complaint filed by the Center for American Rights alleging failure to provide equal time for an appearance by former Vice President Harris on Saturday Night Live.⁴
- **Comcast and NBCUniversal**, requesting that the Enforcement Bureau open an investigation of Comcast and NBCUniversal alleging its diversity hiring efforts violate the FCC’s non-discrimination rules.⁵
- **NPR and PBS**, requesting that the Media Bureau open an investigation alleging violations of the FCC’s underwriting rules for noncommercial broadcasters in a letter from Chair Carr that also weighed in on Congressional funding of both.⁶ The FCC has reportedly escalated its investigation by sending more than a dozen letters of inquiry to

Television (Philadelphia), LLC, licensee of WPVI-TV, Philadelphia, PA et al., Order (EB Jan. 22, 2025), <https://docs.fcc.gov/public/attachments/DA-25-84A1.pdf>.

² *CBS Accused of News Distortion in Vice President Kamala Harris Interview — Center for American Rights Files Formal FCC Complaint*, CENTER FOR AMERICAN RIGHTS (Oct. 16, 2024), <https://www.americanrights.org/cases/cbs-accused-of-news-distortion-in-vice-president-kamala-harris-interview-center-for-american-rights-files-formal-fcc-complaint/>; *News Distortion Complaint Involving CBS Broadcasting Inc., licensee of WCBS, New York, NY*, Order (EB Jan. 22, 2025), <https://docs.fcc.gov/public/attachments/DA-25-85A1.pdf>.

³ *In the Matter of Skydance Media and Paramount Global*, Petition to Condition Grant by the Center for American Rights (Oct. 16, 2024), <https://www.fcc.gov/ecfs/document/121677322011/1>; Ted Johnson, *Incoming FCC Chairman Brendan Carr Says ‘60 Minutes’ Complaint ‘Likely To Arise’ As Part Of Agency Review of Skydance-Paramount Merger*, DEADLINE (Nov. 19, 2024), <https://deadline.com/2024/11/fcc-brendan-carr-60-minutes-cbs-paramount-1236181250/>; Brendan Carr (@BrendanCarrFCC), X (Dec. 18, 2024, 12:43 PM), <https://x.com/BrendanCarrFCC/status/1869438445753618684/>; *60 Minutes Publishes Transcripts, Video Requested by FCC*, CBS NEWS (Feb. 5, 2025), <https://www.cbsnews.com/news/60-minutes-publishes-transcripts-video-requested-by-fcc/>.

⁴ *NBC Hit with FCC Complaint Over Vice President Harris’ SNL Appearance*, CENTER FOR AMERICAN RIGHTS (Nov. 4, 2024), <https://www.americanrights.org/cases/nbc-hit-with-fcc-complaint-over-vice-president-harris-snl-appearance/>; *Equal Opportunities Complaint Involving NBC Telemundo License, LLC, licensee of WNBC, New York, NY*, Order (MB Jan. 22, 2025), <https://docs.fcc.gov/public/attachments/DA-25-83A1.pdf>.

⁵ Letter from Brendan Carr, Chairman, FCC, to Brian Roberts, CEO of Comcast Corporation, (Feb. 11, 2025), <https://www.fcc.gov/sites/default/files/Chairman-Carr-Letter%20to-Comcast-02112025.pdf>.

⁶ Benjamin Mullin & David McCabe, *F.C.C. Chair Orders Investigation into NPR and PBS Sponsorships*, N.Y. TIMES (Jan. 30, 2025), <https://www.nytimes.com/2025/01/30/business/media/npr-pbs-fcc-investigation.html> (quoting Letter from Brendan Carr, Chairman, FCC, to Katherine Maher, President and CEO of National Public Radio, and Paula A. Kerger, President and CEO of PBS (Jan. 29, 2025), <https://static01.nyt.com/newsgraphics/documenttools/340343f285781674/6da3eb69-full.pdf>).

Mr. Patrick Webre and Ms. Erin Boone
 March 12, 2025
 Page 3

NPR, PBS, and their affiliates.⁷

- **KCBS Radio (Audacy)**, alleging that a radio news broadcast that described an immigration raid constituted a violation of the broadcaster's public interest obligations.⁸
- **Verizon**, requesting the Chairman and CEO of Verizon "reach out" to FCC staff familiar with the review of the Verizon-Frontier merger over concerns about the company's promotion of diversity, equity, and inclusion initiatives and past trainings.⁹

Each of these eight actions single out media broadcasters that faced the wrath of President Trump during his Presidential campaign, including actual litigation or outright threats of investigations in retaliation for perceived negative coverage.¹⁰ This exclusive targeting to the apparent benefit of the President is further reflected in the fact that other media broadcasters, particularly allies of the President, have not faced any similar scrutiny. For example, Chair Carr did not reinstate a news distortion complaint against a Fox TV station (WTFX-TV) that was closed in January alongside the complaints against CBS, NBC, and ABC.¹¹ Nor has the FCC announced investigations or enforcement actions against broadcasters seen as more favorable to President Trump, even where the same or similar fact patterns exist, including against News Corp, which until recently had a longstanding diversity, equity, and inclusion program.¹²

The Commission's investigations appear predicated on dubious legal theories that deviate from the FCC's public guidance, rules, and past enforcement actions, raising the question of whether the FCC is operating under a new set of standards. By its own past admission, the FCC's authority to act on complaints alleging news distortion is "narrow" because the FCC is "prohibited

⁷ Sean Moran, *FCC's Brendan Carr Advances Investigation into NPR, PBS Running 'Prohibited' Ads*, BREITBART (Mar. 7, 2025), <https://www.breitbart.com/politics/2025/03/07/fcc-advances-investigation-into-npr-pbs-running-prohibited-ads/>.

⁸ Brian Flood, *FCC Chair Says It's 'Really Concerning' That A Soros-Backed Radio Station Exposed Undercover ICE Agents*, NEW YORK POST (Feb. 6, 2025), <https://nypost.com/2025/02/06/media/fcc-chair-concerned-that-a-soros-backed-radio-station-exposed-undercover-ice-agents/>.

⁹ Brendan Carr (@BrendanCarrFCC), X (Feb. 27, 2025, 3:35 PM), <https://x.com/BrendanCarrFCC/status/1895211283089367318/>.

¹⁰ See, e.g., Donald J. Trump (@realDonaldTrump), TRUTH SOCIAL (Sept. 24, 2023, 7:53 PM), <https://truthsocial.com/@realDonaldTrump/posts/111122815628828712/>; Donald J. Trump (@realDonaldTrump), Truth Social (Apr. 10, 2024, 3:48 PM), <https://truthsocial.com/@realDonaldTrump/posts/112248653824267212/>; Donald J. Trump (@realDonaldTrump), TRUTH SOCIAL (Sept. 14, 2024, 10:51 AM), <https://truthsocial.com/@realDonaldTrump/posts/113136466410544933/>; Sara Fischer, *Trump's Media Playbook*, AXIOS (Nov. 5, 2024), <https://www.axios.com/2024/11/05/trump-media-playbook-regulatory-threat/>.

¹¹ Christopher Cole, *FCC Revisits Complaints Against Major Network Broadcasters*, LAW360 (Jan. 22, 2025), <https://www.law360.com/articles/2287681/fcc-revisits-complaints-against-major-network-broadcasters/>; *Application of Fox Television Stations, LLC For Renewal of License of WTFX-TV, Philadelphia, PA*, Order (MB Jan. 16, 2025), <https://docs.fcc.gov/public/attachments/DA-25-57A1.pdf>.

¹² *Diversity, Equity & Inclusion*, NEWS CORP, <https://web.archive.org/web/20250130123209/https://newscorp.com/news-corp-diversity/> (last visited Mar. 12, 2025); *Corporate Diversity Statement*, NEWS CORP, <https://newscorp.com/corporate-governance/corporate-diversity-statement/> (last visited Mar. 12, 2025); *ASX Diversity Measurable Objectives and Gender Balance*, NEWS CORP, <https://newscorp.com/app/uploads/2024/10/2024-ASX-Diversity.pdf> (last visited Mar. 12, 2025).

Mr. Patrick Webre and Ms. Erin Boone
March 12, 2025
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by law from engaging in censorship or infringing on First Amendment rights of the press.”¹³ According to the FCC, “news distortion” violates FCC policy only when it involves “a significant event” and “it can be proven that [the broadcaster has] deliberately distorted a factual news report.”¹⁴ The Commission’s recent actions appear to adopt ahistorical interpretations of longstanding legal standards and may be designed to intimidate newsrooms to chill future coverage potentially critical of President Trump. Furthermore, while the FCC’s stated policy is that the “existence of an investigation is generally nonpublic until the Commission takes enforcement action,”¹⁵ the Chair has engaged in repeated public grandstanding to publicize and amplify the cited investigations favorable to President Trump on Fox News, on social media, and elsewhere.¹⁶

Chair Carr’s vexatious investigation of opponents of President Trump represents a threat to the First Amendment and inflicts upon newsrooms, affiliate groups, local media, nonprofit organizations, and religious broadcasters an ever-looming risk of retaliatory federal investigations for protected speech. In 2018, when an affiliate group was found to be forcing local news anchors to run editorial, partisan content over the objections of member stations, the FCC rejected news distortion complaints. Then-Chair Pai wrote that he could “hardly think of an action more chilling of free speech than the federal government investigating a broadcast station because of disagreement with its news coverage or promotion of that coverage.”¹⁷

As Mr. Carr argued prior to his ascension to Chair, using FCC authorities, particularly its oversight of licenses, to retaliate over political viewpoints violates the First Amendment.¹⁸ In Mr. Carr’s own words, “[a] newsroom’s decision about what stories to cover and how to frame them should be beyond the reach of any government official, not targeted by them.”¹⁹ Mr. Carr has even called investigations of broadcasters over their content “a chilling transgression of the free speech rights that every media outlet in this country enjoys,” and accused Democrats of “sending a

¹³ *Broadcast News Distortion*, FCC, <https://www.fcc.gov/broadcast-news-distortion/> (last updated July 18, 2024).

¹⁴ *Id.*

¹⁵ *Enforcement Primer*, FCC, <https://www.fcc.gov/general/enforcement-primer> (last visited Mar. 12, 2025).

¹⁶ See, e.g., Brian Flood, *FCC Chair Says It’s ‘Really Concerning’ that a Soros-Backed Radio Station Exposed Undercover ICE Agents*, FOX NEWS (Feb. 6, 2025), <https://www.foxnews.com/media/fcc-chair-says-its-really-concerning-soros-backed-radio-station-exposed-undercover-ice-agents>; Brian Flood, *FCC Launches Probe into NBC News Parent Comcast ‘to Root Out Invidious Forms of DEI Discrimination’*, FOX NEWS (Feb. 12, 2025), <https://www.foxnews.com/media/fcc-launches-probe-nbc-news-parent-comcast-to-root-out-invidious-forms-dei-discrimination>; Brendan Carr (@BrendanCarrFCC), X (Feb. 12, 2025, 2:02 PM), <https://x.com/BrendanCarrFCC/status/1889752017150812321/>; Carr, *supra* note 9.

¹⁷ Letters from Ajit V. Pai, Chairman, FCC, to Senators Bernard Sanders, Maria Cantwell, Richard Blumenthal, Ron Wyden, Patty Murray, Jeff Merkley, Tina Smith, Elizabeth Warren, Tom Udall, Tammy Baldwin, Cory Booker, & Edward Markey (Apr. 12, 2018), https://transition.fcc.gov/Daily_Releases/Daily_Business/2018/db0423/DOC-350372A1.pdf.

¹⁸ See, e.g., Press Release, Off. Comm’r Brendan Carr, Democrats Pressure FCC To Deny Sale Of Spanish-Language Radio Station In Florida Based On Political Viewpoints (Apr. 19, 2021), <https://docs.fcc.gov/public/attachments/DOC-371715A1.pdf>; Brendan Carr (@BrendanCarrFCC), X (Apr. 19, 2021, 3:45 PM), <https://x.com/BrendanCarrFCC/status/1384231810167578625/>; *In the Matter of Sinclair Broadcast Group*, Statement of Commissioner Brendan Carr (May 22, 2020), <https://docs.fcc.gov/public/attachments/FCC-20-59A3.pdf>.

¹⁹ Press Release, Off. Comm’r Brendan Carr, FCC Commissioner Carr Responds to Democrats’ Efforts to Censor Newsrooms (Feb. 22, 2021), <https://docs.fcc.gov/public/attachments/DOC-370165A1.pdf>.

Mr. Patrick Webre and Ms. Erin Boone
March 12, 2025
Page 5

message that is as clear as it is troubling—these regulated entities will pay a price if the targeted newsrooms do not conform to Democrats’ preferred political narratives.”²⁰

Under the new standard that appears to have been set by Chair Carr, however, every newsroom, affiliate group, and broadcaster across the country faces the possibility of burdensome investigations, fines, and even the revocation of licenses for disfavored speech or a change in political winds — they will pay a price if the targeted newsrooms do not conform to President Trump’s preferred political narratives.

For these reasons, the Permanent Subcommittee on Investigations (“PSI” or “the Subcommittee”) has opened a preliminary inquiry into the FCC’s recent handling of complaints and investigations. Pursuant to Senate Resolution 59 (118th Cong.) and PSI Rule 1, please provide information and records responsive to the following requests by March 26, 2025.

1. Describe the FCC’s investigatory process for complaints involving broadcast news distortion, equal time, underwriting, non-discrimination, and public interest obligations, including, but not limited to:
 - a. Procedures and protocols for:
 - i. receiving and evaluating complaints;
 - ii. gathering additional information;
 - iii. docketing complaints;
 - iv. making and issuing determinations; and
 - v. seeking enforcement, when applicable.
 - b. The parties responsible for administering, reviewing, and approving each step of the FCC’s investigatory process.
2. Identify all authorities, including but not limited to statutes, regulations, legal precedents, guidance, and Commission reports and memoranda related to news distortion, equal time, underwriting, non-discrimination, and public interest obligations, relied on by the FCC to:
 - a. initiate an investigation into allegations;
 - b. determine the sufficiency of an investigation into and evidence probative of allegations;
 - c. set aside a prior order;
 - d. seek public comments on an investigation, including evidence; and
 - e. seek enforcement against a broadcaster.
3. Identify all enforcement actions, warnings, briefings, interpretive rules, cases, records, advisories, letters, and any other documents from the Commission related to news distortion, equal time, underwriting, non-discrimination, and public interest obligations since January 1, 2005, including the outcome of such actions.
4. Identify all statutes, rules, or guidance related to the public disclosure and handling of complaints, referrals, or investigations by the Commission, including rules and standards

²⁰ *Id.*

Mr. Patrick Webre and Ms. Erin Boone
March 12, 2025
Page 6

related to the disclosure of investigations or enforcement matters and disclosure of evidence obtained in enforcement actions.

5. Produce copies of all precedents, guidance, memoranda, or other documents referenced in response to requests 1-4, unless readily available to the public.
6. Produce all communications regarding the reopening of the WTXF-TV complaint closed on January 16, 2025, to include any deliberations or decisions that took place regarding its possible reopening.
7. Produce all complaints or investigations referred to, or opened by, the Media and Enforcement Bureaus into news distortion, equal time, underwriting, non-discrimination, and public interest obligations since January 20, 2025.

Please contact Subcommittee staff should you have any questions about responding to these requests. Thank you for your attention to this matter.

Sincerely,



Richard Blumenthal
Ranking Member
Permanent Subcommittee on Investigations

cc: The Honorable Ron Johnson
Chairman
Permanent Subcommittee on Investigations

From: [Erin Boone](#)
To: [Danielle Thumann](#); [Brendan Carr](#); [Arpan Sura](#); [Greg Watson](#); [Scott Delacourt](#)
Subject: RE: Transactions
Date: Thursday, March 13, 2025 2:15:00 PM
Attachments: [TRANSACTION TRACKING TABLE 0312.docx](#)

Attached is a list of smaller transactions that MB has on its docket, (b) (5)

Erin Boone
Senior Counsel – Media & Enforcement
Office of FCC Chairman Brendan Carr
Acting Chief, Media Bureau
202-418-0736 | erin.boone@fcc.gov

From: Danielle Thumann <Danielle.Thumann@fcc.gov>
Sent: Wednesday, March 12, 2025 9:40 PM
To: Brendan Carr <Brendan.Carr@fcc.gov>; Erin Boone <Erin.Boone@fcc.gov>; Arpan Sura <Arpan.Sura@fcc.gov>; Greg Watson <Gregory.Watson@fcc.gov>; Scott Delacourt <Scott.Delacourt@fcc.gov>
Subject: Re: Transactions

Here are the two additional transactions under WCB's review:

T-Mobile/MetroNet (Docket No. 24-244)

- Overview of deal: MetroNet Systems (now held by MetroNet Holdings) will be joint venture 50/50 controlled by T-Mobile and KKR Metro Parent (formed for transaction by KKR, global investment fund). Involves international and domestic 214 transfers. MetroNet has a scalable fiber network (42,000 miles)—TMO will be an anchor tenant on that fiber. Aimed to bolster T-Mobile's 5G Home Internet portfolio. MetroNet also ops as telecom, VoIP, broadband, MVPD in 21 states. Deal is valued at \$4.9 billion.
- Key Events:
 - Agreement and Plan of Merger was executed July 18, 2024
 - Application was filed August 8, 2024
 - Supplement was filed September 18, 2024
 - Comments/replies were due October 4, 2024 and October 11, 2024, respectively, but no comments were filed
- Deal was referred to Team Telecom. We received notice September 30, 2024 of review; 120-day clock started on February 12, 2025

T-Mobile/Lumos (Docket No. 24-151)

- Overview of deal: TMO investing \$950 million in 50/50 joint venture with EQT (Sweden-

- based company). As a result of the transaction, TMO and EQT will be 50/50 owners of Trailblazer Holdco which will own and control the following licensees: Gridiron Fiber License, Panther Parent, Lumos Telephone of Botetourt, Lumos Telephone, North State Telephone, North State Communications Long Distance, North State Communications Advanced Services, North State Communications, and Lumos Fiber of South Carolina.
- Lumos serves more than 320k locations with fiber across Virginia, North Carolina, and South Carolina; has footprint of 7500 miles. Lumos will operate as open-access fiber provider, with T-Mobile as the anchor tenant. Lumos also operates two ILECs in rural communities in Virginia and one ILEC in North Carolina.
 - Key Events:
 - Agreements were executed on April 24, 2024
 - Application was filed May 15, 2024
 - Supplements were filed June 13, 2024 and January 9, 2025
 - Comments and replies were due July 12, 2024 and July 19, 2024, respectively, and a handful of comments were filed
 - One commenter pushed the FCC to require T-Mobile to adopt an open access model as a merger condition
 - Two express commenters said T-Mobile is untrustworthy and repeatedly breaks promises (re: TMO/Sprint, store closures, price lock guarantees) and that prices will increase in areas where only T-Mobile and AT&T offer fixed and mobile services
 - One Ministries, Inc. (KQSL) raised concern about discrimination regarding carriage of independent television stations on cable systems, because part of this deal involves North State Communications which has control of a cable franchise in North Carolina
 - Deal was referred to Team Telecom. We received notice of review on July 10, 2024; 120-day shot clock started on November 1, 2024.
 - On behalf of Team Telecom, NTIA filed a petition to adopt conditions on March 5, 2025, accompanied by a LOA requiring the following:
 - The designation of a U.S. law enforcement point of contact, the designation of a U.S. security officer, and implementation of a process to screen existing and newly hired personnel who have access to domestic communications, domestic communications infrastructure, and U.S. records (PI, sensitive personal data, location information)

- Agreement to comply with all lawful interception statutes, regulations, and requirements, as well as certification to compliance with CALEA
- Agreement to report promptly, and no later than 72 hours, after learning of a security incident or unauthorized access to, or disclosure of, information relating to services, or customers in the U.S.
- Agreement to provide a complete list of principal equipment
- Agreement to site visits, audits
- Agreement to provide an annual report of compliance with the LOA that includes information relating to all of the above, as well as other related matters such as compliance training, relationships with foreign-owned partners, cybersecurity plans
- (b) (5) [REDACTED]

Danielle Thumann

Senior Counsel — Wireline, Public Safety, and Consumer Affairs

Office of FCC Chairman Brendan Carr

danielle.thumann@fcc.gov

From: Brendan Carr <Brendan.Carr@fcc.gov>

Sent: Wednesday, March 12, 2025 5:45 PM

To: Erin Boone <Erin.Boone@fcc.gov>; Arpan Sura <Arpan.Sura@fcc.gov>; Greg Watson <Gregory.Watson@fcc.gov>; Danielle Thumann <Danielle.Thumann@fcc.gov>; Scott Delacourt <Scott.Delacourt@fcc.gov>

Subject: Re: Transactions

Make sure to (b) (5) [REDACTED]

From: Erin Boone <Erin.Boone@fcc.gov>

Sent: Wednesday, March 12, 2025 4:04 PM

To: Arpan Sura <Arpan.Sura@fcc.gov>; Greg Watson <Gregory.Watson@fcc.gov>; Brendan Carr <Brendan.Carr@fcc.gov>; Danielle Thumann <Danielle.Thumann@fcc.gov>; Scott Delacourt <Scott.Delacourt@fcc.gov>

Subject: RE: Transactions

Here is info on Paramount/Skydance

Overview of Transaction: The Redstone family, through trusts controlled by the Sumner M. Redstone National Amusements Part B General Trust and the Shari Ellin Redstone Trust (collectively, Transferors), currently control National Amusements, Inc. (NAI), the single majority shareholder of Paramount Global. Paramount holds, through various direct and indirect wholly-owned subsidiaries, 28 CBS owned-and-operated local television broadcast stations, as well as one Class A television broadcast station, and two low-power television translator stations. Pursuant to the terms of a Transaction Agreement dated July 7, 2024, the Transferees seek to transfer control to various Pinnacle Media entities controlled by the Ellison family, as well as RB Tentpole, LP (Redbird) (collectively, Transferees). The Pinnacle Media entities would be NAI's majority shareholder, and expected to hold an approximately 77.5 percent voting and equity interest.

Initial Application: On September 6, 2024, the Commission accepted for filing applications proposing to transfer control from the Transferors to the Transferees. The Application indicated that because Transferees do not currently hold an attributable interest in any broadcast television station, following consummation of the Transaction, New Paramount will have a national audience reach of 24.28 percent, well below the 39 percent limit, and a national audience reach of 37.39 percent without giving effect to the UHF discount. The Applicants seek a continuing "satellite" exception to the multiple ownership rules in the Minneapolis, Minnesota market, but no other waivers.

First Public Notice: The Media Bureau issued a Public Notice on September 6, 2024, establishing a permit-but-*ex parte* status for the proceeding, and setting the deadline for petitions to deny on October 7, 2024, with Oppositions due October 22, 2024, and Replies on November 1, 2024 .

Revised Application: On October 30, 2024, the Applicants filed a restatement of certain exhibits to the initial Application's Comprehensive Exhibit. The Applicants explained that the purpose of these amendments is "to reflect David Ellison's role as sole manager of Hikouki, LLC, Furaito, LLC, and Aozora, LLC, entities through which the Ellison Family will own and control NAI and New Paramount upon the closing of the Transaction. As sole manager of these entities, David Ellison will hold 100 percent of the Ellison Family's voting interests in NAI and New Paramount, in addition to serving as New Paramount's Chairman and CEO."

Second Public Notice: On November 15, 2024, the Commission issue a second Public Notice, setting a new deadline for petitions to deny of December 16, 2024, with Oppositions due January 2, 2025, and . Replies on January 13, 2025. The Public Notice explained that the amendments to the Applications qualify as major amendments that warrant a further pleading cycle under the Commission's rules, because the amendments propose that David Ellison will hold voting control over the corporate entities that ultimately control the Licensees.

Erin Boone
Senior Counsel – Media & Enforcement
Office of FCC Chairman Brendan Carr
Acting Chief, Media Bureau
202-418-0736 | erin.boone@fcc.gov

From: Arpan Sura <Arpan.Sura@fcc.gov>

Sent: Wednesday, March 12, 2025 3:33 PM

To: Greg Watson <Gregory.Watson@fcc.gov>; Brendan Carr <Brendan.Carr@fcc.gov>; Danielle Thumann <Danielle.Thumann@fcc.gov>; Erin Boone <Erin.Boone@fcc.gov>; Scott Delacourt

<Scott.Delacourt@fcc.gov>

Subject: RE: Transactions

For tomorrow, here is some basic status info on the three major deals.

SES-Intelsat (SB Docket Number 24-267)

- Applicants
 - SES operates a fleet of 43 GSO and 26 high-throughput, low-latency satellites in medium Earth orbit (MEO), primarily in the C-, Ku- and Ka-bands. SES offers satellite capacity, products and services to media, government, mobility, and enterprise customers around the world.
 - Intelsat operates a fleet of 57 GSO satellites that provide diversified communications services to media companies, telecommunications operators, commercial aviation, and Internet service providers, as well as the U.S. Government.
- Key events
 - 5/1/24 – share purchase agreement entered
 - 5/30/24 – FCC application filed
 - 8/29/24 – FCC application PN seeks comment on the transaction
 - 9/18/24 – DOJ requests that the FCC refer the Application to Team Telecom
 - 10/3/24 – DOJ requests that the FCC defer action until the Team Telecom concludes its review
 - 10/25/24 – FCC comment/reply pleading cycle closes. The Commission received three comments (ITSO; Eutelsat; and NCTA), the Applicants' consolidated response, two replies from commenters (NAB, Eutelsat), and two replies by the Applicants.
 - 1/13/25 – FCC requests information from applicants. The bulk of Applicant response arrived on 2/3/25.
 - 3/12/25 – Team Telecom formally informs the FCC that its 120-day initial review has begun.
 - Day 180 of the informal shot clock was 2/25/25.
 - (b) (5) [REDACTED]

Verizon-Frontier (WC Docket Number 24-445)

- Overview of deal:
 - The transaction covers most of the Frontier territories that Verizon sold to

Frontier in prior transactions.

- The majority of the Frontier Licensees to be transferred are currently ETCs and will continue to be ETCs post-transaction. Certain of the Licensees currently receive universal service high-cost support.
- Frontier offers a range of communications services including data and Internet services, voice services, and video services. (b) (5)
- Key events:
 - 9/4/24 – merger agreement signed
 - 10/11/24 – FCC application filed
 - 11/8/24 – FCC application PN seeks comment on the transaction
 - 12/24/24 – FCC comment/reply pleading cycle closes. Comments were submitted by Intrado Life & Safety, Inc. (Intrado); Communications Workers of America (CWA); and Coalition for IP Network Transition (Coalition). Reply comments were submitted by INCOMPAS and Textliax, Inc. Frontier/Verizon submitted a joint reply to the Comments. The Coalition responded to the Frontier/Verizon Joint Reply in an ex parte filing on January 28, 2025.
 - Day 180 of the informal shot clock will be 5/7/25.
- (b) (5)
- No Team Telecom referral necessary.

T-Mobile-UScellular (GN Docket No. 24-286)

- Overview of deal:
 - T-Mobile would acquire UScellular’s wireless operations and stores, all of its 4.5 million customers, and approximately 30% of its licensed spectrum.
 - The low- and mid-band spectrum being acquired from UScellular is in bands 600 MHz, 700 MHz A Block, PCS, AWS, and 2.5 GHz that are already supported by T-Mobile’s existing radios within the UScellular footprint.
 - The transaction involves the acquisition of wireless assets in 198 of 734 CMAs nationwide, covering approximately 15% of the U.S. population.
 - The Applicants state that the transaction will not result in T-Mobile exceeding the spectrum aggregation screen or enhanced factor review after accounting for the planned sale of T-Mobile’s 800 MHz and certain of its 3.45 GHz spectrum.
 - T-Mo has filed applications for assignment of certain of its 3.45 GHz spectrum, but has not filed applications for assignment of its 800 MHz spectrum. Including the 800 MHz spectrum, T-Mobile would exceed the total spectrum screen in 43 CMAs and trigger enhanced factor review in 147 CMAs.
 - The Commission’s HHI screen is exceeded in 120 CMAs, including 6 Top 100 CMAs.

- Key events:
 - 9/13/24 – FCC application filed
 - 10/30/24 – Special PN issued
 - 12/27/24 – information and data requests issued
 - 1/28/25 – Pleading cycle closed. Who commented: 5 Petitions to Deny (EchoStar, Public Knowledge et al.,^[1] Communications Workers of America (CWA), Rural Wireless Association (RWA), and Mark J. O'Connor and Sara F. Leibman); 11 comments in support (Center for Individual Freedom; Oregon, Kansas & Washington Farm Bureaus; League of United Latin American Citizens; U.S. Black Chambers; the Association of Women's Business Centers; the Conference of National Black Churches; StartOut; TechFreedom; American Action Forum; American Consumer Institute; and the International Center for Law & Economics); 2 comments opposing (Computer & Communications Industry Association (CCIA) and The National Wireless Independent Dealer Association); and 2 comments taking no position (AT&T and Redzone).
 - 180 day informal shot clock expires April 28, 2025.
- Current Procedural Status:
 - (b) (5) [REDACTED]
 - Team Telecom review – shot clock has not started
 - (b) (5) [REDACTED]
 - [REDACTED]

-----Original Appointment-----

From: Arpan Sura

Sent: Monday, March 10, 2025 12:47 PM

To: Arpan Sura; Greg Watson; Brendan Carr; Danielle Thumann; Erin Boone

Cc: Scott Delacourt

Subject: Transactions

When: Thursday, March 13, 2025 3:00 PM-4:00 PM (UTC-05:00) Eastern Time (US & Canada).

Where: Microsoft Teams Meeting

Agenda:

1. Walk through status of major transactions currently pending
2. Approach to spectrum screen / competition
3. Approach to conditions
4. Discuss current disposition of smaller deals

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FCC FOIA No. 2025-000888
TRANSACTION TRACKING TABLE

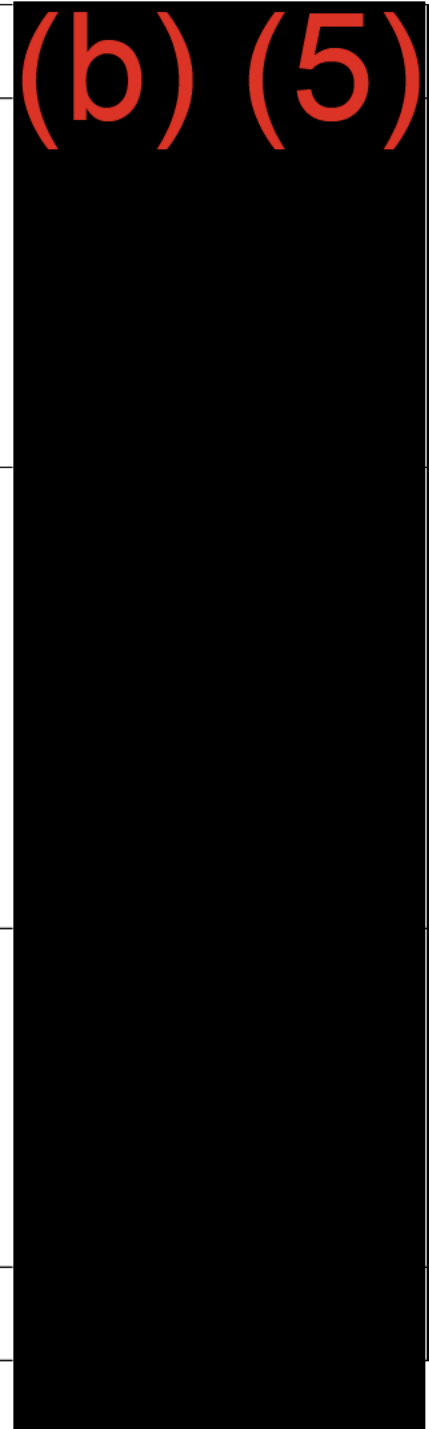
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Transferor	Assignor/Licensee	Assignee/Transferee	Lead Call Sign	File Number	Off PN	PTD	Grant	Comments
Ulloa Family Trust, dated July 13, 2006, Trust A	Rancho Palos Verdes Broadcasters, Inc.	The Serros Ulloa Family Trust	KXLA	0000252488	10/4/24	No		(b) (5)
	Denali Media Anchorage, Corp.	Alaska Public Media	KTVA	0000255653	11/14/24	No	1/10/25	
	Palazuelos 2023 Revocable Trust	Major Market Broadcasting of California, Inc.	KTAS	0000255877	11/18/24	No	12/9/24	
Donald E. Graham	Graham Media Group, Florida, Inc.	Laura O'Shaughnessy	WCWJ	0000256018	11/21/24	No	12/2/24	
Donald E. Graham	Graham Media Group, Houston, Inc.	Laura O'Shaughnessy	KPRC-TV	0000256023	11/21/24	No	12/2/24	
Donald E. Graham	Graham Media Group, Michigan, Inc.	Laura O'Shaughnessy	WDIV-TV	0000256025	11/21/24	No	12/2/24	
Donald E. Graham	Graham Media Group, Orlando, Inc.	Laura O'Shaughnessy	WKMG-TV	0000256026	11/21/24	No	12/2/24	
Donald E. Graham	Graham Media Group, San Antonio, Inc.	Laura O'Shaughnessy	KSAT-TV	0000256029	11/21/24	No	12/2/24	
Donald E. Graham	Graham Media Group, Virginia, LLC	Laura O'Shaughnessy	WSLS-TV	0000256030	11/21/24	No	12/2/24	
	Winston Broadcasting Network, Inc.	Nexstar Media Inc.	WBNX-TV	0000256426	12/4/24	No	1/2/25	
	Western New Life, Inc.	American Caribbean Broadcasting Corporation	WCLO-TV	0000256679	12/12/24	No		
Charles Chatelain	Wilderness Communications, LLC	Ryan Mouton	KBCA	0000258209	12/23/24	No	12/26/24	

	Triple Seven Media, LLC	Word of God Fellowship, Inc.	WHNH-CD	0000258301	12/26/24	No	1/3/25
	North Georgia Television	Gray Television Licensee, LLC	WDGA-CD	0000259444	1/21/25	No	2/7/25
	Outside Waves LLC	Denver Digital Television, LLC	K36DB-CD	0000261785	1/30/25	No	2/7/25
	Sagamore Hill of Minnesota Licenses, LLC	Gray Television Licensee, LLC	KXLT-TV	0000262539	2/13/25	No	3/11/25
	5GTV LLC	TV-49, Inc.	WJSJ-CD	0000263102	2/20/25	No	
	Abacus Television, LLC	TV-49, Inc.	WJKF-CD	0000264483	2/27/25	No	3/7/25
	Imagicomm Medford, LLC	Marquee Broadcasting West, Inc.	KMVU-DT	0000265229	3/3/25	No	
	Imagicomm Eureka, LLC	Marquee Broadcasting West, Inc.	KIEM-TV	0000265258	3/3/25	No	
SLF LBI Aggregator, LLC	Estrella Television License of Houston LLC	MediaCo Operations LLC	KZJL	0000266390	3/14/25		
SLF LBI Aggregator, LLC	Estrella Television License LLC	MediaCo Operations LLC	KRCA	0000266393	3/20/25		
	WVEC Television, LLC	TV-49, Inc.	WYSJ-CD	0000266758	3/21/25		

(b) (5)

	WVTV Licensee, Inc.	Rincon Broadcasting Group LLC	WVTV	0000267757			
	KTVO Licensee, LLC	Rincon Broadcasting Group LLC	KTVO	0000267758	4/11/25		
	KHQA Licensee, LLC	Rincon Broadcasting Group LLC	KHQA-TV	0000267760			
	WICD Licensee, LLC	Rincon Broadcasting Group LLC	WICD	0000267763			
	WICS Licensee, LLC	Rincon Broadcasting Group LLC	WICS	0000267765			



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(b) (5)